

November 22, 2010

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 November 22, 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 October 25, 2010 regular session.

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

Regarding highway matters, Mr. Michael Johnson, County Administrator, advised that included in the agenda was the report he received back from the Virginia Department of Transportation (VDOT) with regard to the issues they shared last month. He would be glad to try and answer any questions or relay any new concerns.

Vice-Chairman Young stated that there was still water standing in the ditches. And the gum trees were not growing, but were still standing 6' tall.

Supervisor West advised that he had the opportunity to meet 2 weeks ago with VDOT, and he thought their hands were tied. Nevertheless, he'd had the opportunity to ride around the Berlin-Ivor area and he was still concerned about the lack of work being done. It seemed that the Sebrell Residency had done a good job in cutting the ditch banks and had maintained the ditches fairly well. However, he did not think the Franklin Residency had had the same opportunity. It concerned him a great deal because there was an apparent disproportionate effort throughout the County.

Supervisor Felts stated that she was still unclear as to why VDOT paved Rosemont Road from Peachtree to Drake with the exception of a small part.

Mr. Johnson advised that the answer he received from VDOT was that they paved 300 feet back at the ends of all the unpaved roads to allow the motor grader to turn around without going on into the road that it intersected with.

Supervisor Felts asked if they paved 300 feet back on each end? She noted that the Vicksville Road end was not paved 300 feet.

Mr. Johnson indicated that they did not provide him with specifics.

Supervisor Brown advised that although VDOT did a super job in restoring Sunbeam Road, a lot of the dirt they used to backfill in the cave came off of Sunbeam Road, Sandy Ridge Road, and Riverdale Road. When they took the dirt from the shoulders, it caved the ditches it. It needed to

be reseeded.

Supervisor Wyche stated that he had received some concerns about paving the dirt part of Indiantown Road between Carys Bridge Road and Popes Station Road. Some of the residents informed that VDOT had indicated to them that the road would be paved in the spring. He knew it was put back on the Six-Year Plan but did not know when it would be paved and would like to find out that information.

Supervisor Wyche continued that the residents of Bryants Church Road were concerned that people coming from out of town traveling west on Route 58 had a hard time finding Bryant's Church Road. When traveling west, you had to pass by Bryant's Church Road, which was on the left and hard to see, and make a u-turn at the next crossover and travel back east to get to it. Even GPS systems did not provide accurate directions. He asked was it possible to have a sign put up on Route 58 West saying "Bryants Church Road Next Left" or something similar?

Mr. Johnson advised that he did not think VDOT would put up such a sign as part of their standard policy, but they may be willing to do so if we paid for the sign. He would inquire with VDOT.

Chairman Jones noticed in the VDOT report that Route 58 in front of Valley Proteins was in the paving plan for sealer but would not take place until spring 2011. He commented that he hoped there were no more vehicle accidents before they could get that done.

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, Building Permits, and New Housing Starts. Also, Cooperative Extension, Treasurer's Office, Delinquent Taxes, Solid Waste Quantities, and Personnel.

In regards to Litter Control, Supervisor Brown advised that he had serious concerns about the litter being dumped on Old Bridge Road. It had become a dumping ground – he was even seeing washing machines and microwaves. Someone needed to be caught dumping and an example needed to be made. Perhaps they could get some help from the Sheriff's Office on this issue.

Chairman Jones indicated that Mr. Johnson could touch base with the Sheriff's Office.

In regards to Solid Waste Quantities, Supervisor West noticed that tonnages were continuing to decline. He asked what was that attributed to? Mr. Johnson advised that single stream recycling and wood debris being placed in separate boxes at some of the sites were attributing factors.

In regards to Personnel, Mr. Johnson, advised that Steven Bulger was hired in the Commonwealth Attorney's Office at an annual salary of \$46,297 effective 09/27/10. The salary of Beth Lewis of Community Development was increased to \$60,143 as a result of reclassification. The salary of Lee Copeland of Community Development was increased to \$43,600 as the result of reclassification. The salary of Toni M. Duncan of the Commonwealth Attorney's Office was increased to \$59,088 as the result of reclassification. He informed that William R. Hardy resigned from the Sheriff's Office effective 09/30/01. Robert L. Barnett retired from Community Development effective 12/01/10.

Moving to financial matters, Mr. Johnson announced that included in the agenda was an appropriations resolution with a total appropriation of \$2,468,414.87. This sum represented the balance of local funding budgeted for school operations in FY 2010 that was not expended by the School Board. Consistent with their policy over the past fifteen years, this resolution would reappropriate the funding for the School Board's use in FY 2011.

The resolution to be considered is as follows:

APPROPRIATIONS - November 22, 2010

At a meeting of the Board of Supervisors of Southampton County,
Virginia on Monday, November 22, 2010

RESOLUTION

BE IT RESOLVED by the Board of Supervisors of Southampton County,
Virginia that the following appropriations be and hereby are made
for the period of July 1, 2010 through June 30, 2011 for the function and
purpose indicated:

From the General Fund to the School
Operating Fund to be expended only
on order of the Southampton County
School Board:

4-205-061100-1120-002-1-100	Instructional Salary- Reg	618,000.00
4-205-061100-1140-002-1-100	Technical Salary-Reg	87,200.00
4-205-061100-2100-002- -100	Fica Benefits	54,000.00
4-205-061100-2210-002- -100	VRS Ret-Prof	63,000.00
4-205-061310-1120-003-7-100	Instructional Salary-Adult Edu	66,500.00
4-205-062120-1150	Clerical Salaries	26,000.00
4-205-062230-1130	Psychologist Salary	43,660.00
4-205-061100-3000-002-9-100	Other Inst Cost-District Elem	754,977.44
4-205-061100-3000-003-9-100	Other Inst Cost-District Sec	754,977.43
	TOTAL	2,468,314.87
		=====
	TOTAL APPROPRIATION	2,468,314.87

REVENUE APPROPRIATION NOVEMBER 2010
(REVENUE RECEIVED FOR ABOVE EXPENDITURES)

3-205-41050-0001	Transfer In From Other Funds	2,468,314.87
		=====
	TOTAL APPROPRIATION	2,468,314.87

GENERAL FUND ENTRIES FOR ABOVE APPROPRIATION:

4-100-93000-9200	Transfer out to Schools	2,468,314.87
3-100-41050-0005	Transfer in-General Fund Reserve	2,468,314.87

A copy teste: _____, Clerk

Michael W. Johnson

Southampton County Board of Supervisors
11/22/2010

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

Mr. Johnson advised that bills in the amount of \$1,526,715.72 were received.

Supervisor Wyche asked why one poll worker was paid \$105 for mileage, and the others were not paid near that much?

Mrs. Lynette Lowe, Finance Director, advised that they would research that.

Vice-Chairman Young moved, seconded by Supervisor Wyche, that the bills in the amount of \$1,526,715.72 be paid with check numbers 99379 through 99902. All were in favor.

Mr. Johnson advised that although it did not appear on the agenda, consistent with past policy of the Board, he was requesting early payroll disbursement for employees on Friday, December 17, 2010.

Vice-Chairman Young moved, seconded by Supervisor Wyche, to authorize early payroll disbursement on Friday, December 17, 2010. All were in favor.

Moving to appointments, Mr. Johnson announced that included in the agenda was correspondence from the Western Tidewater Community Services Board (WTCSB) advising that Mr. James M. Wilson's term on the Board of Directors would expire on December 31, 2010. Because he had already served three (3) consecutive terms, Mr. Wilson was ineligible for reappointment. The WTCSB met bi-monthly at 9:30 AM on the third Tuesday of January, March, May, July, September and November. He noted that also representing Southampton County on the WTCSB were Mrs. June Steele and Mrs. Kathy Holloway.

Supervisor Wyche indicated that he would try and seek a successor.

Mr. Johnson advised that the respective terms of Mr. Leon Bolton (Boykins-Branchville District) and A. Meredith Felts (Berlin-Ivor District) on the Industrial Development Authority (IDA) would expire December 31, 2010. Terms were for four years and they were both were eligible for reappointment.

Supervisor Faison stated that he had spoken to Mr. Bolton and he was willing to continue to serve.

Supervisor Faison moved, seconded by Supervisor Brown, to appoint Mr. Leon Bolton to the IDA. All were in favor.

Supervisor West informed that he had left a message for Mr. Felts but had not yet spoken to him. He would report back next month.

Mr. Johnson advised that included in the agenda was a letter from Mr. Thomas Daisey resigning from the Board of Zoning Appeals (BZA) due to health reasons. While the appointment was actually made by the Circuit Court, he was sure Judge Delk would welcome their recommendation. He noted that there were seven BZA members, appointed by Election District – Mr. Daisey represented the Newsoms District.

Supervisor Brown thanked Mr. Daisey, who was in the audience, for his service on the BZA.

Supervisor Brown then made a motion to forward a recommendation to the Circuit Court for Mr. Glenn Updike to succeed Mr. Tom Daisey. Vice-Chairman Young seconded the motion. All were in favor.

Moving forward, Mr. Johnson announced that included in the agenda was a resolution of appreciation for Mr. Robert L. Barnett on the occasion of his retirement from Southampton County with (18) years of service.

Chairman Jones presented Mr. Barnett a framed copy of the resolution as Mr. Johnson read it aloud:

Resolution of Appreciation

to

Robert L. Barnett

Whereas, Robert L. Barnett served the citizens of Southampton County in various capacities for more than eighteen (18) years, including tenures as a Building Inspector, Building Codes Supervisor, Building Official/Zoning Administrator and Director of Community Development, beginning in August 1992 and ending with his retirement on November 15, 2010; and

Whereas, Robert L. Barnett functioned in a highly-responsible, senior management position with broad oversight of the site development process, providing technical and policy guidance to architects, developers, contractors, engineers, and the general public to assure compliance with local ordinances and state codes and regulations; and

Whereas, Robert L. Barnett assisted builders, contractors and property owners for almost two decades in better understanding and adhering to building codes, zoning regulations, erosion and sedimentation control laws and stormwater regulations; and

Whereas, Robert L. Barnett achieved the distinction of Certified Building Official, Certified Professional Code Administrator, and E & S Program Administrator; and

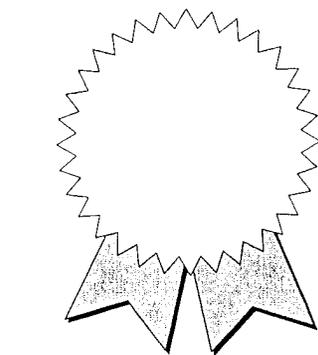
Whereas, Robert L. Barnett's strong technical background, high degree of professionalism, and genuine personal integrity facilitated his many accomplishments and earned for him the respect and admiration of his peers.

Now Therefore, Be It Resolved by the Board of Supervisors of Southampton County, Virginia that Robert L. Barnett is recognized and commended for his devoted service to the people of Southampton County; and

Be It Further Resolved that a copy of this resolution be spread upon the minutes of this Board on the twenty-second day of November, 2010, serving to record and forever preserve the gratitude and appreciation of this Board; and

Be It Further Resolved that a framed copy of this resolution be presented to Robert L. Barnett as a visual token of the high esteem in which he is held by this Board and the people of Southampton County, Virginia.

Unanimously adopted November 22, 2010.



Dallas O. Jones, Chairman

Michael W. Johnson, Clerk

Chairman Jones thanked Mr. Barnett for his service. Mr. Barnett gratefully accepted the resolution.

Supervisor Wyche moved, seconded by Supervisor Felts, to officially adopt the resolution of appreciation for Mr. Robert Barnett. All were in favor.

Moving forward, Mr. Johnson announced that Mr. Dana Dickens, President and CEO of the Hampton Roads Partnership, had requested approximately twenty minutes to further discuss *Vision Hampton Roads*.

Chairman Jones recognized Mr. Dana Dickens.

Mr. Dana Dickens thanked the Board for the opportunity to come before them. He advised that *Vision Hampton Roads* was:

- A region-wide economic development strategy based on the collective strengths of all localities of Hampton Roads, created with the input of business, academia, nonprofits, government, military and citizens;
- A five-year roadmap of objectives, strategies and actions to cultivate our region to be *the* place where people want to live, learn, work, visit, play and raise families;
- An action plan to guide state and local governments in decision-making toward common goals and objectives that are regionally viable, and enable us to measure our progress in terms of better, high-paying jobs, highly educated workforce, increased per capita incomes, and enhanced entrepreneurial supports for new business; and
- A transformational process to propel our region into the dynamic future that we collectively envision, one that benefits all of our citizens.

Mr. Dickens informed that the goal of *Vision Hampton Roads* was, “With proper foresight, continuous planning and dynamic economic development, Hampton Roads will be recognized internationally as a region fueled by Innovation, Intellectual and Human Capital, Infrastructure and Sense of Place.”

Mr. Dickens presented the Board with a framed picture of the last Regional Day. He noted that Supervisor Felts was there to represent Southampton County. He requested that they hang it in a prominent place. He also asked that they support *Vision Hampton Roads*.

Supervisor Brown stated that they really needed to attack and grasp onto tourism. The Cheroenhaka (Nottoway) Tribal Heritage Foundation was constructing a tribal village here in Southampton County that would attract tourists.

Mr. Dickens indicated to Supervisor Brown that there was a tourism task force and he would be pleased to add him to that task force.

The Board thanked Mr. Dickens for his presentation and the framed picture.

Moving forward, Mr. Johnson announced that VDOT has provided him with full copies of three conceptual proposals they recently received for improvements to the U.S. Route 460 corridor. The proposals were submitted by 460 Partners, Inc. (Richmond/New York), Cintra 460 (Madrid, Spain) and MultiModal Solutions LLC (Bethesda, MD/Lorton, VA). All three had been selected to advance to the next stage of procurement, which was a review by the Independent Review Panel (IRP). A listing of the IRP members was included in the agenda. As an affected jurisdiction, we had been invited to review the proposals and offer comments to the IRP by December 27. He was currently reviewing them and would make a brief report at their December 20 regular session. He advised that following review and recommendation by the IRP, the Commonwealth Transportation Board (CTB) would review the conceptual proposals and recommendations of the IRP. The CTB would then decide which, if any, of the offerors would be shortlisted to prepare and submit detailed proposals. From there, the CTB may engage in negotiations with one or more of the offerors. No agreement was expected to be reached until the fourth quarter of 2011 at the earliest. He noted that he had included in the agenda a recent news article from the *Richmond Times Dispatch*, which summarized the stark differences in the proposals.

Supervisor Brown commented that it appeared as though the toll rates on the new Route 460 would be hefty.

Supervisor West stated that with all three of these proposals, Southampton County would be completely ignored. Neither proposed an interchange in Southampton County (Ivor) thereby hindering any potential economic benefits. In addition, emergency medical personnel would not be able to respond to emergencies in a timely fashion. He was against any proposal that did not include an interchange in Southampton County. We needed to attend the meeting in Prince George.

Supervisor Brown agreed and stated that he would not vote for a proposal that did not include an interchange in Ivor and the Town of Windsor. Supervisor Faison agreed.

Mr. Johnson indicated that he planned to attend the meeting.

Moving forward, Mr. Johnson advised that they may recall receiving correspondence from VDOT in July confirming the Commonwealth Transportation Board’s decision to award Southampton County \$420,000 in federal Enhancement Program funds to develop the 1831 Southampton Insurrection Driving Tour. The driving tour would connect travelers, tourists, students and residents with sites associated with the Nat Turner rebellion. It would include fabrication of orientation exhibits, installation of interpretive signage, acquisition of easements, construction of turnouts and production of a brochure and map. The Rebecca Vaughan House, located on the Museum of Southampton History campus in Courtland, would function as a Visitor’s Center and trailhead. Here, the public would learn about the rebellion, explore the route traveled by Turner and his insurgents, and discover period artifacts, including Turner’s sword and the lock from his jail cell. The Historical Society had another grant application pending before the Dominion Foundation to complete the restoration of the Rebecca Vaughan House. He advised that while the grant was actually awarded to Southampton County, we were simply functioning as a conduit for the Southampton County Historical Society – they would meet the required \$105,000 match with funds they had and would accrue, including contributions from Southampton County. VDOT had forwarded to him the Administrative Agreement, a copy of which was included in the agenda, for execution before they could make funds available for reimbursement. In addition to the agreement, it was necessary for him to include documentation of signatory authority. A resolution was included in the agenda for that purpose.

Mr. Johnson read aloud the following resolution to be considered:



**BOARD OF SUPERVISORS
SOUTHAMPTON COUNTY, VIRGINIA**

RESOLUTION 1110-09

At a regular meeting of the Board of Supervisors of Southampton County, Virginia, held in the Southampton County Office Center, Board of Supervisors’ Meeting Room, 26022 Administration Center Drive, Courtland, Virginia on Monday, November 22, 2010 at 6:00 p.m.

PRESENT

- The Honorable Dallas O. Jones, Chairman
- The Honorable Walter L. Young, Jr., Vice Chairman
- The Honorable Walter D. Brown, III
- The Honorable Carl J. Faison
- The Honorable Anita T. Felts
- The Honorable Ronald M. West
- The Honorable Moses Wyche

**IN RE: PROJECT ADMINISTRATION AGREEMENT
1831 SOUTHAMPTON INSURRECTION DRIVING TOUR**

Motion by Supervisor _____:

WHEREAS, by resolution dated November 23, 2009, the Board of Supervisors of Southampton County, Virginia requested the Commonwealth Transportation Board to establish a project to aid in the interpretation of the Southampton Insurrection of 1831 and submitted an application for Enhancement Program Funds; and

WHEREAS, on June 16, 2010, the Commonwealth Transportation Board approved said application in the amount of \$420,000; and

WHEREAS, Enhancement Program Procedures require that a Project Administration Agreement be accompanied by a resolution documenting signatory authority by the governing body.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Administrator is hereby authorized and directed

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to execute the Standard Project Administration Agreement for Project Number EN10-087-106, P101, R201, C501, referred to as the Southampton County 1831 Insurrection Driving Tour.

IN TESTIMONY WHEREOF we have caused the Seal of the Southampton County Board of Supervisors to be hereunto affixed.

Seconded by Supervisor _____.

VOTING ON THE ITEM: YES –

 NO –

A COPY TESTE:

Michael W. Johnson, County Administrator/
Clerk, Southampton County Board of Supervisors

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

Moving to water and sewer issues, Mr. Johnson announced that as they recalled from May 2009, Greenwood RRST, LLC was granted a conditional use permit to develop an asphalt storage facility on Moore Lane in the Boykins-Branchville District. There was already a fertilizer storage facility and LP gas storage tanks located on the property. Greenwood RRST had advised us that the soils on the site were unsuitable for a septic system and municipal wastewater service was currently unavailable. Their only wastewater needs were to provide restroom facilities for two employees who would periodically work from the site. The Virginia Sewage Handling Regulations made provisions for permanent pump and haul permits provided that they were performed under the auspices and supervision of the local governing body. Accordingly, in an effort to accommodate Greenwood RRST's needs, he had prepared several documents for their consideration.

The first was a policy, included in the agenda, which provided that permanent pump and haul permits would only be utilized to meet the domestic needs of commercial or industrial properties for which septic systems would not work and for which it was economically unfeasible to connect to a municipal system. It obligated the property owner to provide regular evidence that the facilities were being regularly pumped. The cost of construction, including and audiovisual alarm system was the responsibility of the property owner. It also provided that the owner would post a surety bond with the County which would be forfeited if they failed to have the system regularly pumped.

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

Mr. Johnson advised that the following related documents were included in the agenda for their consideration:

- 1) The required 3-party contract between the Health Department, Southampton County and Greenwood, RRST;
- 2) The agreement between Southampton County and Greenwood RRST; and
- 3) The boilerplate agreement between Greenwood RRST and its contractor.

Supervisor Young moved, seconded by Supervisor Wyche, to approve all related documents. All were in favor.

Moving to delinquent tax matters, Mr. Johnson announced that Section 58.1-3921 of the *Code of Virginia* provided that the Treasurer shall prepare a list of certain “uncollectible” taxes including those for which the cost of collection would exceed the amount recoverable. Mr. David Britt, Southampton County Treasurer, wished to address the Board regarding certain uncollectible taxes.

Chairman Jones recognized Mr. David Britt.

Mr. Britt advised that he was seeking their consideration in discharging the debts and relieving him of any further responsibility in collecting them regarding the following four accounts:

<u>PARCEL</u>	<u>CURRENT OWNER</u>	<u>AMOUNT DISCHARGED</u>
94B (1) BLK B – 56	Southampton County	\$ 11.60
107A (1) 48	Southampton County	\$ 107.72
13-35, 14-3	Stone Container	\$ 13.34
92-18	Southampton County	<u>\$ 435.55</u>
		\$ 568.21

Mr. Britt explained that one of the accounts was related to an assessment for standing timber that had long been harvested, two of the properties were purchased by Southampton County under the Hazard Mitigation Grant Program following the flood of 1999, and one was related to a miscalculation of prorated taxes due upon closing of the purchase of the Turner Tract.

Supervisor Wyche moved, seconded by Vice-Chairman Young, to abate the taxes described herein above and relieve the Treasurer from further collection efforts. All were in favor.

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

Request by Jack Randall, applicant, on behalf of Alan W. and Erin Edwards, owners, for a Conditional Use Permit to keep livestock for personal enjoyment on property with the zoning designation of R-1 Residential, per Sec. 18-127(16) of the Zoning Ordinance. Specifically, the request seeks permission to have a private chicken coop. The tract is located at 29102 Mill Stone Circle in the Darden Mills Estates Subdivision and is known as Tax Parcel 46A-1-7. The property is in the Jerusalem Voting District and the Jerusalem Magisterial District.

Mrs. Beth Lewis, Director of Community Development and Secretary to the Planning Commission, advised that the Planning Commission held a public hearing on this application at its October 14, 2010 meeting and recommended approval, subject to the following conditions:

- No more than 25 chickens and 2 roosters
- Waste will be used as fertilizer on-site
- No commercial use of chickens
- No selling of eggs – eggs for personal use
- The conditional use permit would expire upon the sell of the property
- The applicants waive their rights to prohibit licensed dogs in the Darden Mill Estates Subdivision from coming on their property, and also waive their rights to seek compensation for damages done by dogs.

Chairman Jones opened the public hearing.

Mr. Jack Randall, attorney on behalf of Alan W. and Erin Edwards, owners, addressed the Board. He advised that his clients had agreed to the specific conditions outlined by Mrs. Lewis. Included in the agendas were photos of the property, chickens, etc. He respectfully requested that they approve conditional use permit.

Ms. Yvonne Kostelnik (next door neighbor) of 29098 Mill Stone Circle spoke. She stated that she lived 118 ft. from the chicken coop. She enjoyed the chickens and had no problem with them.

Vice-Chairman Young asked if there was a fence to keep the chickens in the yard? Supervisor Felts indicated that she had the same question. Mr. Randall replied no – there was no fence.

Mr. Richard Harris of 26171 Trinity Church Road spoke. He stated that every time you turned around, the government was in somebody's business. He liked chickens and was in favor of the application.

Mrs. Virginia Cutchin of 29018 Darden Point Road spoke. She advised that she lived ½ mile from Dr. Edwards and she heard his roosters all day. Her lot was appraised at \$66,100 and she did not think a chicken coop was appropriate for an upscale neighborhood. The Planning Commission's recommendation of 25 chickens and 2 roosters was too generous for a residential neighborhood. She was not in favor of the application but if they chose to approve it, she thought the applicants should only be allowed 10 chickens, no roosters, and no free-ranging chickens.

Mr. Glenn Updike spoke. He stated that he was in favor of chickens. It was good for children, as they had forgotten where food came from. They needed to sit down and revisit these ordinances. Kids at Heritage Day had told him that they could not show goats at 4-H because the zoning wouldn't allow goats on their property. Dr. Edwards could not accomplish his goal of having chickens on his property if he was an average citizen. Government was not for all people anymore.

Chairman Jones closed the public hearing.

Supervisor Felts, in looking at the photos of the chickens, asked if some of the chickens were guineas? Mr. Randall replied yes – about 8 were guineas.

Supervisor West remarked that it concerned him that dogs had such high privileges.

Supervisor Faison stated that he loved chickens, but not everyone did. And even though he loved chickens, the guineas were noisy, even for him. He loved chickens but did not choose a residential area to live in. This was a residential area.

Supervisor Brown advised that he supported the chickens, but he thought there needed to be a pen or fence on the property to contain the chickens. Vice-Chairman Young and Supervisor Wyche agreed.

Supervisor Faison stated that by definition, chickens and guineas were 2 very different birds.

Mr. Randall stated that guineas were discussed at the Planning Commission meeting.

Mr. Ash Cutchin, who was in the audience, remarked that he was at the Planning Commission meeting and there was no discussion of guineas.

Mrs. Beth Lewis, Secretary to the Planning Commission, advised that she did not recall any discussion of guineas at the Planning Commission meeting.

Mr. Randall stated that the recommendation of the Planning Commission was for 25 chickens, and 2 roosters, and his clients would abide by that. Guineas were not expressly included in recommendation. There were currently guineas on the property, but other arrangements would be made for them.

It was consensus of the Board to require a fence on the property to prevent the chickens from having free range.

Mr. Randall advised that they had no problem with a fence, but requested that the location and size of the fence be left to his clients. The Board agreed to honor that request.

Supervisor Felts moved, seconded by Supervisor Wyche to accept the Planning Commission's recommendation (and conditions) and approve the application, with the additional condition of requiring a fence to contain the chickens. Chairman Jones, Vice-Chairman Young, and Supervisors Brown, Faison, Felts, and Wyche voted in favor of the motion. Supervisor West abstained. The vote was 6-0 in favor of the motion, thus the motion passed.

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

An ordinance amending and reordaining Section 3-96 of the Southampton County Code as it relates to dangerous and vicious dogs.

The ordinance to be considered is as follows:

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 bite; (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

Chairman Jones opened the public hearing.

Mrs. Virginia Cutchin of 29018 Darden Point Road spoke. She asked, what does Section 3-96 say? What were they voting on? Mr. Richard E. Railey, Jr., County Attorney, explained that the current ordinance related to dangerous and vicious dogs was adopted in 1993 and had not been updated since until now. The amendment was intended to allow our local ordinance to better track the state enabling legislation.

Chairman Jones closed the public hearing.

Supervisor West stated that he was very concerned about dangerous and vicious dogs. He mentioned a recent article in *The Tidewater News* in which a lady was viciously attacked by a dog. If it had not been for her neighbor fending off the dog, the lady may not be here. He was concerned for the safety of his grandchildren and concerned for the safety of the citizens in this County. This was a serious issue and he did not think they could vote on this ordinance amendment until they “put some more teeth in it” and made it a strong and enforceable ordinance in which they could hold people accountable.

Supervisor Brown remarked that if from a historical perspective, the majority of attacks in Southampton County were from a particular breed of dog, he thought they should be able to say that breed was dangerous.

Attorney Railey explained that he had gone as far as the state allowed with the ordinance. If they wanted further authority, they would need to petition the General Assembly.

Supervisor West thought they should indeed contact our legislators about this issue.

Chairman Jones advised that they needed to adopt this ordinance amendment because it would provide them with the maximum authority they could have right now.

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

Regarding miscellaneous issues, Mr. Johnson announced that included in the agenda was the official “Certificates to Operate,” from VDEQ for the new Courtland and Environs Wastewater Treatment Plant and the new Courtland Interceptor Pump Station located near the intersection of Southampton Parkway and New Market Road. The facilities had been “on-line” and functioning since July 12, but the CTOs could not be issued until the contractor achieved substantial completion and obtained the engineer’s certification that the facilities were constructed in accordance with the approved plans and specifications. While some minor punch-list items remained before they fully achieved “final completion,” with the exception of the septage receiving stations, work was now complete.

Mr. Johnson advised that included in the agenda was various correspondence related to their request for an extension of the State Scenic River Designation on the Nottoway River. He had requested Delegates Tyler and Barlow and Senators Lucas and Quayle to patron the necessary legislation on their behalf. He had also made sure that they had full support of the City of Norfolk, whose raw water withdrawal point was located within the proposed designated area.

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Mr. Johnson stated that included in the agenda was confirmation that U.S. Secretary of Agriculture, Thomas Vilsack, approved Governor McDonnell's request to designate Southampton County a primary natural disaster area due to crop losses caused by drought and excessive heat. Local farmers should contact the FSA office concerning the loan application process.

Mr. Johnson informed that included in the agenda were copies of the Court Orders confirming the reappointments of Douglas A. Chesson, David M. Holland and James E. "Jeb" Bradshaw to the Board of Zoning Appeals.

Mr. Johnson advised that included in the agenda was a copy of the annual financial statement for Southampton County Department of Social Services (DSS) for FY 2010. He noted that our local DSS administered almost \$26 million in federal and state benefits in FY 2010.

Continuing with miscellaneous issues, Mr. Johnson stated that included in the agenda were annual reports from the Blackwater Regional Library, South Centre Corridors RC&D Council, and the Virginia Legal Aid Society. As they knew, Southampton County contributed to each of these organizations in its annual budgetary process.

Mr. Johnson informed that included in the agenda were newsletters from SPSA and Smart Beginnings Western Tidewater.

Mr. Johnson stated that included in the agenda was a copy of the final Abstract of Votes for the General Election of November 2, 2010.

Mr. Johnson reported that the following notices were received:

- 1) Notice from VDH, Office of Drinking Water, to the Town of Courtland for exceeding the primary maximum contaminant level for total coliform bacteria in October;
- 2) Notice from VDEQ regarding three applications it has received for groundwater withdrawal in eastern Virginia: all three from Aqua Virginia for different systems it operates in Hanover County;
- 3) Notice from VDH, Office of Drinking Water, to Tim Heikens for failing to complete lead and copper testing for the Nottoway Shores system in the third quarter of 2010;
- 4) Notice from VDH, Office of Drinking Water, to Aura, Inc. for failing to collect the required bacteriological samples for the Kingsdale-Moseley system in October;
- 5) Notice from VDH, Office of Drinking Water, to Aura, Inc. for failing to complete lead and copper testing for the Kingsdale-Moseley system in the third quarter of 2010;
- 6) Notice from VDH, Office of Drinking Water, to Aura, Inc. for failing to provide public notification for a series of twelve violations between August 2008 to September 2009;
- 7) Notice from VDH, Office of Drinking Water, to Aura, Inc. for failing to collect the required bacteriological samples for the Kingsdale-Moseley system in September;
- 8) Notice from VDH, Office of Drinking Water, to William Holland, the owner of Reflections for failing to collect the required bacteriological sample for his waterworks in the third quarter of 2010;
- 9) Notice from VDH, Office of Drinking Water, to the Courtland Inn for failing to collect the required bacteriological sample for their waterworks in the third quarter of 2010; and
- 10) Notice from VDH, Office of Drinking Water, to the Town of Courtland for exceeding the primary maximum contaminant level for fluoride from October 2009 through September 2010.

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

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;

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; and

Section 2.2-3711 (A) (1) Discussion of various personnel issues including prospective candidates for employment, performance of existing personnel and promotion of existing personnel.

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.

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

Vice-Chairman Young moved, seconded by Supervisor Brown, to adopt the following resolution which would abate the taxes owed by Wayne G. Rock and Jane P. Rock on Tax Parcels 112A (5) BLK 7 16 and 17:



**BOARD OF SUPERVISORS
SOUTHAMPTON COUNTY, VIRGINIA**

RESOLUTION 1110-17

At a regular meeting of the Board of Supervisors of Southampton County, Virginia, held in the Southampton County Office Center, Board of Supervisors' Meeting Room, 26022 Administration Center Drive, Courtland, Virginia on Monday, November 22, 2010 at 6:00 p.m.

PRESENT

- The Honorable Dallas O. Jones, Chairman
- The Honorable Walter L. Young, Jr., Vice Chairman
- The Honorable Walter D. Brown, III
- The Honorable Carl J. Faison
- The Honorable Anita T. Felts
- The Honorable Ronald M. West
- The Honorable Moses Wyche

**IN RE: DELINQUENT TAXES
WAYNE G. ROCK AND JANE P. ROCK
TAX PARCELS 112A (5) BLK 7 16 and 17**

Motion by Supervisor Young:

WHEREAS, by resolution dated April 28, 2003 the Board of Supervisors of Southampton County, Virginia released seventy percent (70%) of its delinquent tax liens on the aforementioned parcels to facilitate the rehabilitation of the commercial storefront located at 32119 South Main Street, Boykins, Virginia; and

WHEREAS, the remaining 30% of delinquent taxes were collected on or about December 2005 upon conveyance of the property by Quitclaim Deed from the Town of Boykins to James Howell;

WHEREAS, the property has now been rehabilitated and functions as a vibrant and thriving business; and

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WHEREAS, all such released real estate liens described in paragraph one remained the personal obligation of Wayne G. and Jane P. Rock; and

WHEREAS, under the present circumstances, the Southampton County Treasurer has very limited means left at his disposal to collect the personal obligation of Wayne G. and Jane P. Rock.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Southampton County, Virginia that the personal obligations of Wayne G. and Jane P. Rock for delinquent real estate taxes on the aforesaid parcels from 1994 to 2005 in the amount of \$4,743.22 are hereby discharged as uncollectible; and

BE IT FURTHER RESOLVED that the aforesaid amount shall be stricken from the books of the Treasurer and the Treasurer is hereby relieved of any further duty to collect such tax.

IN TESTIMONY WHEREOF we have caused the Seal of the Southampton County Board of Supervisors to be hereunto affixed.

Seconded by Supervisor Brown.

VOTING ON THE ITEM: YES – Jones, Young, Brown, Faison, Felts, West and Wyche.

NO – None.

A COPY TESTE:

Michael W. Johnson, County Administrator/
Clerk, Southampton County Board of Supervisors

All were in favor of the motion.

Vice-Chairman Young moved, seconded by Supervisor Felts, to advertise for the position of Assistant County Administrator. All were in favor.

Supervisor Brown moved, seconded by Supervisor Wyche, to promote Hugh Holloman of Public Utilities from PS Worker/EQ Operator (Grade 17) to Senior PS Worker/ EQ Operator (Grade 18) and increase his annual salary from \$25,043 to \$26,292. All were in favor.

There being no further business, the meeting was adjourned at 8:40 PM.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk

November 22, 2010

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