

At a regular meeting of the Southampton County Board of Supervisors held in the Board Room of the Southampton County Office Center, 26022 Administration Center Drive, Courtland, Virginia on August 22, 2011 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)  
Jon Mendenhall, Assistant County Administrator  
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 for the Regular Session of July 25, 2011.

The minutes were approved as presented, as there were no additions or corrections.

Regarding highway matters, Mr. Michael Johnson, County Administrator, announced that he would be pleased to share with VDOT any new concerns the Board may have.

Supervisor Brown advised that there were potholes that needed attention on Smiths Ferry Road just before the bridge.

Vice-Chairman Young advised that weeds at the Turner Tract were high and unsightly. Also the bridge on Route 635 was closed today due to deterioration. He noted that it was owned by Norfolk Southern.

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

In regards to Cooperative Extension, Vice-Chairman Young advised that both of our Agricultural Extension Agents were here this morning.

Mr. Neil Clark, Acting Agricultural Extension Agent, introduced new Agricultural Extension Agent, Mr. Chris Drake.

Mr. Drake advised that he was happy to be here and looked forward to working with Southampton County and the Board.

The Board welcomed Mr. Drake and indicated that they also looked forward to working with him.

Mr. Clark noted that interviews for the 4-H agent (to be shared between Southampton and Isle of Wight Counties) were held last Monday.

In regards to Solid Waste Quantities, Supervisor Brown recognized the \$3.2 million in savings resulting from attended sites.

In regards to Personnel, Mr. Johnson advised that Richard T. Harvey, Jr. of the Sheriff's Office resigned effective 08/01/11.

Mr. Johnson informed that bills in the amount of \$2,204,928.57 were received.

**Vice-Chairman Young moved, seconded by Supervisor Brown, that the bills in the amount of \$2,204,928.57 be paid with check numbers 122028 through 122404. All were in favor.**

Moving to the citizen request to address the Board, Chairman Jones recognized Mr. William "Bill" Worsham.

Mr. Worsham commended the Board and Mr. David Britt, Treasurer, for their efforts in the collection of delinquent taxes. He advised that he wanted to discuss three items, the first being disposition of the Turner Tract. A lot of money had been spent in site improvements at the Turner Tract. If there was no possibility of utilizing the Turner Tract for business/industry, he suggested that they cut their losses, get rid of it, and use the money from the sale of the property and pay down the County debt. Second, he was concerned about local funding for public education. He attended the School Board budget meetings and asked them to hold off on their budget request to the Board of Supervisors until after the General Assembly's veto session. The School Board went ahead with their request anyway, and the Board of Supervisors approved the request as presented. Since then, he received a letter from Delegate Barlow indicating that the state had restored \$93 million to schools statewide. So the School Board had received funds back from the State. He asked the Board of Supervisors to request from the School Board the additional funding received from the State. He thought it would be a good faith gesture by the Board of Supervisors to show the taxpayers they were doing something to bring down the \$69 million in debt. Lastly, Mr. Worsham suggested that the meeting times for the Board of Supervisors be changed to all evening meetings, as opposed to the current alternating of day and evening meetings, to give more working taxpayers the opportunity to attend. He asked for a response from the Board.

Supervisor West thanked Mr. Worsham for taking the time to share his concerns with the Board.

Vice-Chairman Young advised that he was not in favor of changing the Board meeting times. He noted that older people that did not drive at night had expressed their appreciation for day meetings every other month.

Supervisor Brown stated that the County's credit rating was very good despite the \$69 million in debt. He indicated that he would be in favor of all evening Board meetings.

Supervisor Faison thanked Mr. Worsham for his comments. He stated that the Turner Tract was very important. He was in favor of keeping the Board meeting schedule as it was.

Chairman Jones stated that the Turner Tract was important to attract business/industry. They would also begin receiving money from stream credits from the Turner Tract wetland mitigation bank starting in the next year or two. He advised that he had been on the Board longer than anyone else and the current meeting schedule was working very well.

Moving forward, Mr. Johnson announced that included in the agenda was a status report on the 1831 Insurrection Trail Project for which we were functioning as fiscal agent on behalf of the Southampton County Historical Society.

The project would have two primary components:

1. An **educational component** which would include development of exhibits, interactive maps, signs, video vignettes, audio recordings, brochures, etc. that would facilitate the telling of the story; and
2. A **transportation component** which would include permitting, design and physical development of the stops along the trail (the pull-offs).

Mr. Johnson advised that Mr. Jon Mendenhall, Assistant County Administrator, had been working

with the Historical Society and its consultant to map out the process for the project, develop the scope and plan the implementation. Work had begun on development of the Request for Qualifications (RFQ), which would be used to solicit competitive proposals for professional assistance in developing plans, specifications and estimates for both components. He noted that they hoped to receive proposals in October, following approval of the RFQ by VDOT.

Mrs. Beth Lewis, Director of Community Development, clarified for Supervisor West that the grant received was in the amount of \$420,000, and it required a \$120,000 match from the Historical Society.

Mr. Mendenhall noted that additional grants may be sought if the Historical Society decided to have a phase 2, etc.

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

An ordinance formally establishing the purpose, boundaries and state/local economic development incentives for the Southampton County Enterprise Zone(s).

Mrs. Amanda Jarratt, Manager of Marketing for Franklin-Southampton Economic Development, presented a PowerPoint presentation explaining in detail the purpose, boundaries, local incentives offered to businesses and industries by the Commonwealth of Virginia and by Southampton County, and the application process for businesses seeking to receive enterprise zone incentives.

Mrs. Jarratt clarified for Supervisor West that they were in the process of developing 2 additional Enterprise Zones, and would likely include the former International Paper Mill property in a Zone.

Supervisor Brown stated that he was happy with the Enterprise Zones.

Mrs. Jarratt clarified for the Board that businesses must pay fees and taxes upfront in order to be eligible for rebates.

The ordinance to be considered is as follows:

Southampton County  
Enterprise Zone Ordinance

Short Title

This ordinance shall be known and may be cited as the "Southampton County Enterprise Zone Ordinance".

Statement of Purpose

The Enterprise Zone Grant Act, Section 59.1-538, et seq. of the Code of Virginia, as amended, authorizes the establishment of Enterprise Zones. It is the purpose of the Enterprise Zone Grant Act, and of this ordinance, to stimulate business and industrial growth within the area so designated as the Southampton County Enterprise Zones by means of incentives offered to businesses and industries by the Commonwealth in Virginia Code Section 59.1-538, et seq., and separate incentives to businesses and industries offered by Southampton County as set forth in this ordinance.

Boundaries

Three separate areas of the County have been designated as enterprise zones. The boundaries of each separate enterprise zone are as set forth on the map entitled "Southampton County Enterprise Zones" which is on file in the County's Community Development Department, in the County Administrator's office and in the Franklin Southampton Economic Development Office. The boundaries of these three zones may be amended from time to time. The three zones have been declared enterprise zones by the Governor of the Commonwealth of Virginia for a period of ten years, ending December 31, 2019, pursuant to the Enterprise Zone Grant Act. The ten year period is subject to extension by the State for two successive five year periods.

Definitions

As used in this ordinance, the following definitions shall apply:

*Enterprise Zone* means the area as defined herein and declared by the Governor of the Commonwealth of Virginia to be eligible for the benefits under The Enterprise Zone Grant Act (Section 59.1-538 et seq.) and eligible for the benefits described herein as incentives offered by the County, subject to change from time to time.

*County* means Southampton County, Virginia.

*Business firm* means any business entity, incorporated or unincorporated, which is authorized to do business in the Commonwealth of Virginia and which is subject to state individual income tax, state franchise or license tax on gross receipts, or state bank franchise tax on net taxable capital.

The term “business firm” includes partnerships and small business corporations electing to be taxed under Subchapter 5 of the Federal Internal Revenue Code, and which are not subject to state income tax as partnerships or corporations, but the taxable income of which is passed through to and taxed as income of individual partners and shareholders.

The term “business firm” does not include organizations which are exempt from state and/or federal income tax on all income except unrelated business taxable income as defined in the Federal Internal Revenue Code, Section 512; nor does it include homeowners associations as defined in the Federal Internal Revenue Code, Section 528.

*Existing business* means a business firm that was actively engaged in the conduct of trade or business in an area prior to such an area being designated as an enterprise zone or that was engaged in the conduct of trade or business in the Commonwealth and relocates to begin operation of a trade or business within the enterprise zone.

*Mixed use* means a building incorporating residential uses in which a minimum of 30% of the useable floor space will be devoted to commercial, office, or industrial use. Buildings where less than 30% of the useable floor space is devoted to commercial, office or industrial use shall be considered primarily residential in nature and not eligible to receive Enterprise Zone incentives. This definition applies solely for the purpose of qualifying for Enterprise Zone incentives.

*New business* means a business not previously conducted in the Commonwealth that begins operation in an enterprise zone after the zone was designated. A new business is also one created by the establishment of a new facility and new permanent full time employment by an existing firm in an enterprise zone and does not result in a net loss of permanent full time employment outside the zone.

#### State Grant Incentives

For informational purposes, the State offers two separate and distinct grant incentives. One incentive is a job creation grant that is outlined in Virginia Code Section 59.1-547. The other incentive is a real property investment grant that is outlined in Virginia Code Section 59.1-548. Reference is made to these code sections to obtain more information. The State can amend these grant incentives without notice. Application for State grant incentives must be made within the same calendar year as the Certificate of Occupancy is issued or the final inspection is conducted. For more information an interested party can inquire at the Franklin Southampton Economic Development, Inc., office.

#### Local Grant Incentives

The County has created various incentives pursuant to Virginia Code Section 59.1-543 that apply to many aspects of beginning a new business or improving or expanding an existing business in the County. The incentives, subject to amendment without notice, are as follows:

##### (A) Discounted Purchase Price of County Owned Industrial Land

The County is the owner of the undeveloped land located in the Southampton Commerce and Logistics Center (“Turner Tract”) and the Southampton Business Park. These Industrial Parks are located in two of the three designated enterprise zones. The County will offer a discount on the purchase price of land up to a maximum of 10 acres of land by a new business or existing business provided the business makes an investment in building improvements and machinery and tools equaling \$500,000 or more as follows with example market pricing:

Investment Range	Price/Acre
\$500,000 to \$1,000,000	\$25,000/acre
\$1,000,001 to \$5,000,000	\$15,000/acre
\$5,000,001 to \$10,000,000	\$ 5,000/acre
\$10,000,001 or more	\$0/acre

(B) Building Rehabilitation Incentive

The County will offer an exemption from the increase in real estate taxes for ten (10) years for renovations in excess of \$5,000 to existing buildings over 15 years of age with no prior improvements. The County will offer a rebate equal to the initial increase in the real estate tax related to the increase in value of renovation improvements over the value of existing improvements before the renovation. The increased real estate taxes will be assessed and paid by the business when complete and the County will rebate an amount equal to the tax within 60 days after December 5<sup>th</sup> of each year provided no other taxes are owed to the County.

(C) Machinery and Tool Tax Rebate

This incentive applies to all three enterprise zones in the County. If a new business or an existing business makes an investment in building improvements and machinery and tools equaling a minimum of \$150,000 and provides hourly employment wages at an average of 150% of the federal minimum wage, then the County will rebate 50% of the machinery and tools taxes paid to the County for a period of five (5) years. The rebate will be paid annually within 60 days after December 5<sup>th</sup> of each year provided no other taxes are owed to the County.

(D) Reduced Electric Utility Tax Rebate

This incentive applies to all three enterprise zones in the County. If a new business or an existing business makes an investment in building improvements and machinery and tools equaling a minimum of \$150,000 and creates new employment for at least five (5) people. The County will provide a rebate of the utility tax in decreasing amounts for five years on the following schedule:

Year	Rebate Amount
1	100%
2	80%
3	60%
4	40%
5	20%

In order to receive this rebate the new or existing business shall provide Southampton County with a copy of the electric utility bills no later than 30 days prior to December 5<sup>th</sup> of each year. In the event of an expansion by an existing business, only the increase of the electric utility tax directly related to the expansion will be rebated. The rebate will be paid within 60 days December 5<sup>th</sup> of every year provided no other taxes are owed to the County.

(E) Rebate of Administrative Land Development Fees

This incentive applies to all three enterprise zones in the County. If a new business or existing business makes an investment in building improvements and machinery and tools equaling a minimum of \$500,000 and creates new employment for at least five (5) people, then the County will rebate certain administrative land development fees normally due to the County. The rebates will be paid within 60 days of December 5<sup>th</sup> of each year provided no taxes are owed to the County and after the certificate of occupancy or final inspection, whichever comes later, has been issued by the Director of Community Development. Fees eligible for rebate are as follows: Erosion & Sediment Control Plan Review, Stormwater Management Plan Review, Rezoning, Conditional Use Permits, Variances, Sign Permits, and all permit fees associated with the administration and enforcement of the Virginia Uniform Statewide Building Code.

(F) Fast Track Permitting Process

This incentive applies to all three enterprise zones in the County. If a new business or an existing business makes an investment in building improvements and land and machinery and tools equaling a minimum of \$500,000 and creates new employment for at least five (5) people, then the County staff will meet with the design professional to perform a fast track review of the designated project's site plan and provide written comments in not more than seven working days. This incentive is valuable to those businesses seeking to design build and begin operations as soon as possible.

(G) Temporary Office Space

This incentive applies to all three enterprise zones in the County. If a new business or an existing business intends to make an investment in building improvements and land and machinery and tools equaling a minimum of \$500,000 and intends to create new employment for at least five (5) people, then the County will attempt to provide free of charge for up to three months temporary office space for an administrative staff for up to five (5) persons while a facility is under construction or renovation. After three months a fee will be charged and a signed lease will be required. If free temporary office space is not available, then the

County will assist in searching for available short term space for lease.

(I) Workforce Hiring and Screening Services

This incentive applies to all three enterprise zones in the County. The Paul D. Camp Community College Regional Workforce Development Center is located in the City of Franklin. Contained within the Workforce Development Center is the One Stop Job Center. The One Stop Job Center will provide complimentary assistance with job posting, applicant screening and testing and assistance in hiring personnel.

(J) Job Profile Assessment

This incentive applies to all three enterprise zones in the County. If a new business or an existing business makes an investment in building improvements and land and machinery and tools equaling a minimum of \$500,000 and creates new employment for at least ten (10) people, then the Paul D. Camp Community College Regional Workforce Development Center will work with qualified companies to take advantage of a reduced rate in conducting a job skills assessment and job skills level need.

(K) Welcome Wagon

This incentive applies to all three enterprise zones in the County. If a new business or an existing business makes an investment in building improvements and machinery and tools equaling a minimum of \$500,000 and creates new employment for at least five (5) people, then Franklin Southampton Economic Development, Inc., will offer complimentary and/or discounted services from local organizations and businesses at the time business operations begin.

Application Process

Any business seeking to receive local enterprise zone incentives shall make application to the enterprise zone administrator on forms provided by the administrator within sixty (60) days of the certificate of occupancy or final inspection. The enterprise zone administrator shall require the business to provide documentation establishing that it has met the requirements for the receipt of local enterprise zone incentives. Failure to provide requested documentation shall result in a denial of the application for local incentives.

The eligible business firm must maintain all investment requirements during the incentive period including the number of jobs created and required wage rates. If, at any time and for whatever reason, the business firm eliminates or reduces the required investment the incentive will be suspended.

Chairman Jones opened the public hearing.

Mr. Ash Cutchin addressed the Board and asked three questions: 1) what was the cost to extend natural gas to Boykins-Branchville? 2) what were the measurable benefits, and 3) what were the measurable costs to the County budget?

Mr. Johnson advised that natural gas was not available in Boykins-Branchville. Hercules was paying for the extension of natural gas from the Southampton Business Park.

Mrs. Virginia Cutchin spoke. She asked if businesses or industries already constructing in these Enterprise Zones would be eligible for benefits. Mr. Johnson replied no.

Chairman Jones closed the public hearing.

**Supervisor Brown moved, seconded by Supervisor Felts, to adopt the Enterprise Zone ordinance. All were in favor.**

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

The proposed Hampton Roads Regional Water Supply Plan.

Mr. Jon Mendenhall, Assistant County Administrator, advised that each locality in Virginia was required to submit a local or regional water supply plan to the Virginia Department of Environmental Quality (DEQ) by November 2, 2011. Southampton County was part of the Hampton Roads Regional Supply Plan. Our existing conditions/water usages were analyzed and it

was documented that Southampton County had 4 publicly owned community water systems serving 2,330 people. Residential demand was 0.12 mgd and CIL demand was 0.06 mgd. Future conditions were analyzed and it was determined that the Western Tidewater Region had adequate capacity to meet demands over the next 40 years. However, fluoride should be monitored, and well interference should be guarded against, among other things. Water demand could be better managed by end-user water conservation and implementation of water reuse programs, among other things. He noted that some localities were not as fortunate, as their supply and demand of water would get closer together in the near future.

The resolution to be considered is as follows:

A RESOLUTION APPROVING THE HAMPTON ROADS REGIONAL WATER SUPPLY PLAN FOR  
SUBMISSION TO THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

WHEREAS, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

WHEREAS, the Virginia State Water Control Board Regulation 9 VAC 25-780, Local and Regional Water Supply Planning, requires all counties, cities and towns in the Commonwealth of Virginia to prepare and submit a water supply planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, Southampton County is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was developed in accordance with the State Water Control Board Regulation and has been the subject of a public hearing pursuant to the applicable regulations;

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Southampton County hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia Department of Environmental Quality.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of Southampton County at a meeting held on August 22, 2011.

A COPY TESTE

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Michael W. Johnson, Clerk

Chairman Jones opened the public hearing.

Mr. Ash Cutchin spoke. He asked if this Regional Plan would affect our agriculture. Mr. Mendenhall clarified that withdrawal of groundwater would affect our neighbors, including agriculture. He noted that it was addressed in the Plan.

Chairman Jones closed the public hearing.

Supervisor Brown stated that he was happy this came before the Board, as water was a serious issue.

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

Moving forward, Mr. Johnson announced that in accordance with § 58.1-3921 of the Code of Virginia, Mr. David Britt, Treasurer, had finalized the lists for delinquent real estate and personal property taxes.

Chairman Jones recognized Mr. David Britt.

Mr. Britt presented the lists of delinquent taxes, which covered the last 20 years for real property and the last 5 years for personal property (the maximum time allowed by statute to enforce property liens). Delinquent real property taxes totaled \$693,923.36 and delinquent personal property taxes totaled \$520,332.66. He noted that since implementing the booting program, 256 vehicles had been booted and/or seized. He advised that he was seeking authorization from the Board to post the delinquent tax list on the Southampton County website for 60 days.

Mr. Britt clarified that he was not seeking authorization to run it in the local newspaper due to the high cost of publication.

Vice-Chairman Young asked if the delinquent tax list was posted on the County website last year. Mr. Britt replied yes. Vice-Chairman Young asked why it was removed from the website. Mr. Britt replied that the Board authorized publication on the County website for only 60 days.

**Vice-Chairman Young moved, seconded by Supervisor West, to authorize the posting of the delinquent tax list on the Southampton County website for a period of 6 months, provided the list is updated regularly. All were in favor.**

Moving to Board of Zoning Appeals (BZA) matters, Mr. Johnson announced that included in the agenda was an ordinance amendment related to the appointment and rules and regulations of the BZA. Most of the revisions were simply housekeeping measures so that the language in our local ordinance better tracked the language contained in the *Code of Virginia*. One was a bit more substantive – it began on line 7 of the ordinance and provided for up to 3 alternate members to the BZA who would serve when a regular member was absent, or when a regular member had a conflict of interest and must abstain from voting. Given the irregular nature of BZA meetings, and the recent lack of a quorum, he thought this might be something the Board may wish to consider.

Supervisor Faison asked Mr. Richard E. Railey, Jr., County Attorney, given the confusion at the last BZA meeting regarding a BZA member that had not been sworn in, should language be added to the ordinance requiring all BZA members to be sworn in. Attorney Railey replied that there was some ambiguity as to whether or BZA members were required to be sworn in, but to err on the side of caution, they could make it a requirement and add such language to the ordinance.

Chairman Jones allowed a member of the audience, Mrs. Jenny Bunn, to ask a question.

Mrs. Bunn asked Attorney Railey if the BZA members would be sworn in every year. Attorney Railey clarified that they would be sworn in every term, not every year.

Supervisor West moved, seconded by Vice-Chairman Young, to advertise the proposed ordinance for public comment at their September 26 regular session.

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

AN ORDINANCE TO AMEND AND REORDAIN SECTION(S)  
18-481 AND 18-483 OF THE SOUTHAMPTON COUNTY CODE  
AS IT RELATES TO THE APPOINTMENT AND RULES AND REGULATIONS  
OF THE BOARD OF ZONING APPEALS

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

**Sec. 18-481. Appointment; composition; compensation, term of office and removal of members; conflicts of interest; officers.**

(a) A board of zoning appeals consisting of seven (7) members who are residents of the county shall be appointed by the circuit court of the county. The board shall serve without pay other than for traveling expenses, and members shall be removable for cause upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term. *At the request of the board of supervisors, the circuit court may appoint not more than three alternates to the board of zoning appeals. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the chairman twenty-four hours prior to the meeting of such fact. The chairman shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.*

(b) The term of office shall be for five (5) years; ~~except that the first term of the sixth and seventh members appointed shall be for a term of five (5) years and four (4) years respectively. One (1) of the seven (7) members may be an active member of the planning commission. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the locality except that one may be a member of the planning commission.~~

(c) Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.

(d) The board shall choose annually its own chairman and vice-chairman who shall act in the absence of the chairman.

**Sec. 18-483. Adoption of rules and regulations; meetings.**

(a) The board of zoning appeals ~~shall adopt such rules and regulations as it may consider necessary may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth.~~

(b) ~~The meetings of the board shall be held at the call of its chairman or at such times as a quorum of the board may determine~~ *The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required.*

(c) The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

(d) ~~The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record~~ *The board shall keep a full public record of its proceedings and shall submit a report of its activities to the board of supervisors at least once each year.*

(e) All meetings of the board shall be open to the public.

(f) ~~A quorum shall be at least four (4) members.~~ *For the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board.*

(g) ~~A favorable vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass. Except for appeals described in paragraph (h) herein below, actions of the board shall be valid if authorized by a majority vote of those present and voting.~~

(h) *The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance.*

For state law authority, please see § 15.2-2308 et seq. of the 1950 Code of Virginia, as amended.

A copy teste: \_\_\_\_\_, Clerk  
Southampton County Board of Supervisors  
Adopted : September 26, 2011

Mr. Johnson announced that Mrs. Marie Sykes' term on the BZA would expire on September 30, 2011. She had served on the BZA since 1981 and was eligible for reappointment.

Other members and the expiration of their respective terms are as follows:

Elma Brown	September 30, 2012
Peter Copeland	September 30, 2012
Glenn Updike	September 30, 2012
David Holland	September 30, 2013
Jeb Bradshaw	September 30, 2015
Doug Chesson	September 30, 2015

Supervisor Wyche indicated that he would contact Mrs. Sykes and inquire of her interest in continuing to serve.

Moving to miscellaneous issues, Mr. Johnson announced that included in the agenda was a letter of introduction from Edwin J. Jones, Ph.D., the latest Director for Virginia Cooperative Extension (VCE). Dr. Jones joined VCE on April 1, 2011 after spending more than 23 years with North Carolina Cooperative Extension in Raleigh. Dr. Jones noted that last year's proposed restructuring plan was no longer being considered and VCE was actively seeking to fill 25 agent positions (including a 4-H agent for Southampton and Isle of Wight Counties).

Mr. Johnson advised that included in the agenda was a copy of the minutes from the July 13 and August 9 (Civil War) Sesquicentennial Committee Meetings.

Supervisor Brown, who was Chairman of the (Civil War) Sesquicentennial Committee, stated that he was very excited. Mr. Jay Felts had submitted the names of all Southampton County residents who fought in the Civil War.

Supervisor West stated that this event was very important and they needed to get the word out, as to not have poor attendance.

Supervisor Brown advised that a committee member would be contacting all of the schools in Southampton County, Surry County, City of Franklin, etc. The event would be well attended.

Mr. Johnson informed that various notices, incoming and outgoing correspondence, and articles of interest were also included in the agenda.

**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) (3) Discussion or consideration of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.**

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

Jon Mendenhall (Assistant County Administrator), Richard Railey (County Attorney), and John Smolak (President of Franklin-Southampton Economic Development, Inc.) were also present in the closed meeting along with Mr. Johnson and the Board.

**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.**

Mr. Johnson announced that there was one late arriving financial matter.

At their places was the following appropriations resolution:

**APPROPRIATION -- AUGUST FOR JUNE, 2011**

**NO NEW LOCAL FUNDS**

**SCHOOL BOARD**

Categorical changes as requested by the School Board-- final year-end correction-- appropriation originally entered as an increase, but should have been entered as a decrease

At a meeting of the Board of Supervisors of Southampton County,  
Virginia on Monday, August 22,  
2011

RESOLUTION

BE IT RESOLVED by the Board of Supervisors of Southampton County,  
Virginia that the following appropriations be and hereby are made  
from the Fund to the Fund 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:

Rental Textbooks, Program 260		
4-205-61100-6040-002-1-260	Textbooks	(5,852.00)
Reading Intervention, Program 450		
4-205-61100-1140-002-1-450	Techn. Sal. - Reg	(12,952.00)
	TOTAL APPROPRIATION	<u>(18,804.00)</u>

REVENUE APPROPRIATION AUGUST FOR JUNE, 2011  
(REVENUE RECEIVED FOR ABOVE EXPENDITURES)

3-205-25020-0140	Rental Textbooks - 260	(5,852.00)
3-205-25020-0775	Reading Intervention - 450	(12,952.00)
	TOTAL REVENUE APPROPRIATION	<u>(18,804.00)</u>

A copy teste: \_\_\_\_\_, Clerk  
Michael W. Johnson

Southampton County Board of Supervisors  
August 22, 2011

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

There being no further business, the meeting was adjourned at 8:35 PM.

\_\_\_\_\_  
Dallas O. Jones, Chairman

\_\_\_\_\_  
Michael W. Johnson, Clerk