

voted unanimously to recommend approval of this.

Chairman Jones asked if anyone had any questions for Mrs. Beth Lewis.

Chairman Jones asked if there was anyone here wishing to speak for or against this application.

Mr. Ash Cutchin addressed the Board. He said he expected Mr. Lawrence Brown to come up and address them, but it didn't look like he was. He stated that he was in favor of this change.

Chairman Jones asked if anyone else wanted to speak. There being no one else he closed the public hearing. He asked the Board what they had to say.

Supervisor Updike made a motion to accept the Planning Commission's recommendation and rezone the property back to agricultural.

Supervisor Faison seconded the motion which carried unanimously.

Mr. Michael Johnson stated that we had a second public hearing which is a second rezoning for a set of parcels for Mr. Lawrence Brown. This public hearing is held pursuant to 15.2-2204, Code of Virginia, 1950, as amended to receive public comment on a request by Mr. Lawrence W. Brown, owner, for a change in zoning designation from B-4, Commercial District, to A-1, Agricultural District for Tax Parcels 94-4C and 94-3 & 3A. The properties total approximately 24.9 acres in size and are located north and south of Brook Road (Rte. 676) west of Pretlow Road (Rte. 714). The notice of this public hearing was published in the Tidewater News on July 8 and July 15, 2012 and all adjacent property owners were notified in writing by first class mail as required by law. Following its public hearing on June 14, 2012, the Southampton County Planning Commission voted 5-1 to recommend approval of the request. After conclusion of this public hearing, the Board of Supervisors will consider the comments offered this evening and may act upon the matter or defer action until such time as it deems appropriate. Mrs. Beth Lewis, our Director of Community Development and Secretary to the Planning Commission will provide introductory remarks after which all interested parties are invited to come forward and express their views.

**REZ 2012:05**

Lawrence W. Brown, owner/applicant

Application Request: Zoning map amendment (Rezoning)

**IDENTIFICATION AND LOCATION INFORMATION**

Current Comprehensive Plan designation: Industrial, Courtland Planning Area

Current Zoning: B-4, Commercial District (no longer in use)

Requested Zoning: A-1, Agricultural District

Acreage: 24.9 acres +/-

Proposed Use: Agriculture

Tax Map No.: 94-4C, 94-3+3A

Location: North and south of Brook Road (Rte. 676) west of Pretlow Road (Rte. 714)

Magisterial District: Franklin

Voting District: Franklin

Adjacent Zoning: North: A-1, Agricultural District  
 South: A-1  
 East: B-4, Commercial District  
 West: A-1

Adjacent Land Use: North: Agriculture  
 South: Agriculture  
 East: Agriculture  
 West: Agriculture

**LAND USE ANALYSIS**

Overview

The subject property is two tracts that total just less than 25 acres, on both sides of Brook Road. According to the property owner, at one time it was planned that a warehouse facility would be constructed there. In fact, the Cypress Cove Industrial Park abuts the property to the west. However, the warehouse facility was never built and is no longer planned. The property owner seeks to return the property to an agricultural zoning designation to reflect its agricultural use and to facilitate its inclusion in the land use program for taxation purposes.

Site Topography and Characteristics

The sites are in agricultural use, are fairly flat, and are not impacted by streams or floodplains.

Transportation:

The properties are on the north and south sides of Brook Road, which intersects with Pretlow Road. Both roads are Virginia secondary highways.

Environmental

The sites are not within the floodplain, nor are they affected by streams, per GIS.

Utilities

If the property were to be developed, it would be served by private water and wastewater facilities and existing overhead power lines.

Community Comments

The staff received one comment from Franklin Southampton Economic Development Inc. The comment read in part:

"I have concern about the zoning reverting back to an agricultural zoning from an industrial zoning. This general area has previously been identified as a future industrial area for the County. While utilities are not extended to this area at this point in time, I feel like it would be taking a step backwards to change the zoning on this property at this point in time. It is in a prime location for commercial or industrial growth. As the County is beginning their Comprehensive Plan process, I think it is imperative that we look very closely at the Future Land Use map to identify future commercial and industrial areas. Having proper zoning in place is one less hurdle we have to overcome on a potential project."

Strengths of application:

- The agricultural zoning designation appropriately reflects the use of the property.
- Should the owner wish to develop the property in the future, a zoning map amendment can be sought at that time that would accurately reflect the planned use. The current B-4 zoning designation doesn't exist any longer and a zoning map amendment would be required no matter what type of development might be planned.

Weaknesses of application:

- The change from a commercial zoning designation to an agricultural zoning designation does not comply with the Comprehensive Plan. However, until property develops with a use other than agriculture/forestry, a conflict between the Plan and the zoning is not unusual.
- Adding the property to the land use program will reduce the County's tax collection.
- The site's proximity to the Cypress Cove Industrial Park may make an agricultural use incongruous should the park fully develop, and may impact the County's ability to attract users to the industrial park and surrounding areas as identified in the Comprehensive Plan.

**SUPPORT INFORMATION AND ATTACHMENTS**

- 1) Staff Analysis
- 2) Application and proffered conditions statement
- 3) Notification of adjacent landowners
- 4) Site map

Mrs. Beth Lewis stated again this is just a one-step request. The comprehensive designation plan is not requested to be changed at this point. This property is only requesting a zoning map amendment or rezoning from B-4 which wasn't commercial zoning designation to A-1. B-4 is no longer in use and anybody who wants to develop this property at any time would go through a rezoning to the zoning classification use that it is in now. This piece of property is kind of stuck in limbo. The plan designation of this area and the area around it is industrial – it is the Courtland planning area. This is abutting the Cypress Cove Industrial Park, but there is no industrial development out there at this point. You can see on the map where the industrial code tract surrounds this piece of property. Mr. Lawrence Brown was at one time approached by someone who wanted to build a warehouse there and he was asked to change the zoning to permit the development of that warehouse. The warehouse never materialized so in this case as well he would like to change the zoning on this property back from industrial to agricultural. The Planning Commission discussed the fact that the soils on this property are not especially kind as there are a lot of wetlands. There would be difficulty getting utilities on this property as they would have to come from the other side of Hwy. 58 should this property ever develop in an industrial manner. Changing the zoning on this piece of property would make it inconsistent with

the comprehensive plan because the comprehensive plan calls for industrial development, but as it is zoned right now it is inconducive with the comprehensive plan because it is a zoning district that doesn't exist anymore. The A-1 zoning designation that is requested is in part a holding zone until something should happen and something develop in this area. Should industrial development come into this area it would have to go through a zoning map amendment again to some zoning district that the county has. We received a comment from Mrs. Amanda Jarratt with Franklin Southampton Economic Development, Inc. She stated the quote was in their packets and she quoted the comment: "She has concern about the zoning reverting back to an agricultural zoning from an industrial zoning. This area has previously been identified as a future industrial area for the county. While utilities are not extended to this at this point in time I feel it would be taking a step backward to change the zoning on this property at this point in time. It is in a prime location for commercial or industrial growth. As the county is beginning their comprehensive plan process she thinks it is imperative that we look very closely at the future land use map to identify future commercial and industrial uses. Having proper zoning in place is one less hurdle we have to overcome on a potential project. As a planner I would say changing the zoning to something that doesn't comply with the comprehensive plan is not a step in the right direction; however on this piece of property it has zoning that is not valid anymore anyhow." Should anything develop in this area all that would be required would be coming back to this Board to ask for a zoning map amendment and you zone it to something that does comply with the comprehensive plan. This is kind of a holding zone for a period of time. That concern at the Planning Commission meeting that is why the vote was a 5 to 1. One Planning Commissioner felt this was not a step in the right direction to change the zoning in an area that had an industrial comprehensive plan designation to agricultural and that was the one "no" vote. The Planning Commission talked about it for quite a long time. Mr. Lawrence Brown talked about the soil types out there and what he has gone through with this piece of property over the years. The Planning Commission did make a recommendation of approval with a five to one vote.

Chairman Jones asked if anyone had any questions for Mrs. Beth Lewis.

Supervisor Porter said he did. We have a zoning out of compliance because it no longer exist and you are saying we should vote to make it out of compliance to one that does exist.

Mrs. Beth Lewis stated that as it stands right now it is undeveloped because it doesn't have a valid zoning designation.

Supervisor Porter said ok, but you are saying let's zone it to something that is inconsistent with our comprehensive plan.

Mrs. Beth Lewis said for the time being.

Supervisor Porter said no you are not saying that. This is a permanent decision.

Mrs. Beth Lewis said there is no time concept.

Supervisor Porter asked if this is agricultural land.

Mrs. Beth Lewis said it is in agricultural use.

Supervisor Porter said it is on this farm.

Mrs. Beth Lewis said yes it is.

Supervisor Porter asked if it was available for land use taxation.

Mrs. Beth Lewis said should the zoning be amended to agricultural yes.

Supervisor Porter said no, no I'm not sure that is required. I've asked that question and have not gotten a negative answer to saying that you have to have A-1 to get land use. Land use is what the land is being used for.

Mrs. Beth Lewis said the forms that their office fills out requires that they we get information from Mrs. Amy Carr's office prior to the A-1 or A-2.

Supervisor Porter said while doing an investigation into the code the forms maybe over simplifying the issue. He thinks that is the question he has right now so if Mr. Lawrence Brown could get land use designation for this piece of property under an M-1 or M-2 designation as it should be properly zoned would that achieve his objective.

Mrs. Beth Lewis said I believe so, yes. If the land use program did not require agricultural zoning this property is in agricultural use and it is of the required size to be in the land use program.

Supervisor Porter said that is what the spirit of land use is all about. He said you have answered my question.

Mrs. Beth Lewis stated that Mr. Lawrence Brown is here if you have further questions.

Chairman Jones asked if there were any further questions.

Supervisor Faison said as far as land use is concerns the answer is that it can still be in land use regardless of how it is zoned, is that correct.

Mr. Michael Johnson said we are not entirely sure about that.

Supervisor Porter said but there is a question about that and until we get an answer to that question he thinks it is premature to make a decision which is inconsistent with the comprehensive plan.

Mrs. Beth Lewis said maybe that was on line.

Mr. Michael Johnson said he had already looked at that; we need to look deeper.

Supervisor Porter said he wanted to give Mr. Lawrence Brown what he needs, but if we can do this it will be a win/win because we won't have to come back and rezone it when the opportunity arises in the future for a higher value use of the piece of the property.

Mrs. Beth Lewis said that is correct.

Supervisor Edwards said that is so far down the line because that area is going to require water and sewer before you can put anything there.

Supervisor Porter said if you put a warehouse there you may not. If you put a warehouse there they can drill a well and use a septic system. Let's not do something that that doesn't make sense.

Supervisor Edwards said he disagreed; he thought this makes perfect sense.

Chairman Jones asked if there were any other comments.

Mr. Lawrence Brown addressed the Board. He stated that this property in question has been farmed since he owned it and it will continue to be farmed. The only reason it was zoned B-3, B-4 or whatever was because Mr. Bob Fields, a former Franklin Southampton Economic Development Commissioner asked him to do so because they were talking about Wal-Mart having a big distribution center on the side of Hwy. 58 that he is on and he wanted it to have some shovel ready land ready to build a gas station or convenience store available. Well as it turned out the Wal-Mart Distribution center didn't materialize and his problem with the way it has been handled is that being zoned the way it is he had horrendous appraisals in 2000 and in 2006. His appraisal for 2012 for these properties is \$8,000.00 an acre and every inch of this land is either wetland or converted wet land. The nearest water and sewer is 1.4 miles from this property. Also these services would have to cross Hwy. 58, so he feels it is a bad piece of property to consider putting into development. You couldn't put a septic system on it and there are a whole lot of more suitable properties in the county than this property of his. He stated he would never have taken it out of A-1 except he was requested to help the county. His feeling is that it go back into A-1 and

should the county desire to have it put back in a classification to allow a business to be there he would be receptive to that, but every time it is appraised it starts out he goes before the Board of Equalization to get it lowered, but right now he is still paying taxes on \$3,000.00 an acre. He stated he would be glad to answer any questions that anyone may have.

Chairman Jones asked if anyone had any questions for Mr. Lawrence Brown.

Supervisor Porter asked if land use was available in M1 or M2 would that satisfy his request.

Mr. Lawrence Brown said no and I'll tell you why because zoned in M1 or B3 it automatically means business property and they don't tax A-1 land you might have a gross value of \$2,000.00 per acre, but in M-1 right beside it might be taxed at \$5, 6 or \$7,000.00 an acre.

Supervisor Porter said but you will be paying taxes based on land use not on the assessed value.

Mr. Lawrence Brown said he wasn't sure how that would work in all honesty.

Supervisor Porter said you would be paying the same taxes as if you put it in land use under A-1.

Mr. Lawrence Brown said he would like to have it in the A-1 designation and then if in twenty of twenty five years that they wanted to develop it he would probably be dead and gone and his children could be worried about it. He would like to put it back in a classification that was applicable because right now it is in limbo there is no valid classification and the reason that it's not still in A-1 is because he was trying to accommodate Mr. Bob Fields twelve or fourteen years ago.

Supervisor Porter said it's in the comprehensive plan and he thinks there is a use for it but the location and the transportation facilities make it a high value future prospect for industrial development. Those are key items especially with the port projects going on. He stated that what he is concerned about is that if you take it out of an industrial classification we will have a more difficult time competing for a project in that area. What he would like to see is Mr. Lawrence Brown get his tax effect, but would like for us to have the opportunity to compete for future business.

Mr. Lawrence Brown stated he thought that would be sticky because like he said after the last three assessments he had to go through hurdles and so forth and the value they put on that is considerably more than agricultural land. If at a later time there is a desire for industry all I would have to do is to come back before you all and have it rezoned.

Supervisor Porter said I don't think you understand the concept of land use. Land use means you pay taxes based on the use of the land which is agricultural so the zoning would be irrelevant in your tax bill.

Mr. Lawrence Brown said correct.

Supervisor Porter said if we can have a win/win we can give you your tax result and we can get a zoning classification that is consistent with the comprehensive and still have the chance to compete for business in the future. We just need that one question answered.

Mr. Lawrence Brown said if I follow through now if it would be left in that classification he would be taxed and allow it go back into land use like it would have been but he had some reservations whether or not it is legal or valid.

Supervisor Edwards asked Mr. Richard Railey if it were legal.

Mr. Richard Railey said he didn't know that question was coming up. He said he hadn't had a chance to research it. He stated that would be enabling legislation passed by the general assembly and he had always assumed, but assumptions get you in trouble, so he is not prepared to say it could only be agricultural but he would have to go back to the code.

Supervisor Porter asked Mr. Michael Johnson if he had a chance to look at the enabling legislation today.

Mr. Michael Johnson said he looked at it this afternoon.

Supervisor Porter asked him if he saw anything that led you to believe that we could not do this.

Mr. Michael Johnson said he didn't see anything right away, but he looked at it between ten to five and ten after five so he would like more time to look at it. In that quick review he didn't see anything that would prohibit that.

Supervisor Porter said he wanted to get Mr. Lawrence Brown his results, but if we can do this in this way then it is a win/win for everybody. He didn't want to make a decision necessarily tonight on it. He wants to find an answer to this question. If the answer to this question is no then he would support Mr. Lawrence Brown's going back to A-1 and if the answer is yes he would like to have the proper zoning classification and give you the land use.

Mr. Lawrence Brown said then when I go to Wingate you still have it zoned M-1 and have it treated as in land use.

Supervisor Porter said no, no, Wingate won't have anything to do with land use; that is done by Mrs. Amy Carr.

Mr. Lawrence Brown said maybe he is not seeing it but if it is zoned M-1 it is going to be a whole lot higher value per acre even if it is wetlands.

Supervisor Porter said but the land use program is going to give it a taxable value which is not necessarily related to the assessed value.

Supervisor Edwards said but that tax value is going to be higher than if it is A-1.

Mr. Michael Johnson said no it's not. Fair market value is what Wingate comes up with. Land use value is what Mrs. Amy Carr comes up with. That land use value is consistent regardless of what it is zoned.

Mr. Lawrence Brown stated that the bottom line is that A-1 land is valued at \$2,000.00 an acre and this property is assessed, after going through hoops and hurdles, is valued at \$4,000.00 an acre which is bad because it is agricultural land.

Supervisor Porter said land use is \$500.00 or \$600.00 an acre that you would be paying taxes on.

Mr. Lawrence Brown stated that they reduce it by a percentage – isn't that right.

Supervisor Porter said nope.

Mr. Lawrence Brown said I think if it is \$2,000.00 you pay about twenty five percent of the \$2,000.00.

Supervisor Porter said I don't think that is true.

Supervisor Edwards said he thinks that is true. He said he agreed with the Planning Commission's assessment of this and he thought we should go with that. It is still on the map as an area in the comprehensive plan and if Mr. Lawrence Brown got an offer he was sure they could go back and rezone it in a heartbeat and take care of it.

Supervisor Porter said I guarantee you we are more likely not to get an offer on it if we zone it agricultural.

Supervisor Edwards said if that was the last piece of land in the State of Virginia for development it might be developed in our lifetime.

Supervisor Porter said he thought we were being very short sighted. He thinks we need to answer this question. If we can get Mr. Lawrence Brown the same results with an M-1 or M-2 zoning he feels that is the way to go.

Mr. Michael Johnson said what you can do tonight Mr. Chairman, if you like, is conduct your public hearing and table the matter for action until next month until the question gets answered and bring it up next month for action, but conduct your public hearing tonight.

Chairman Jones thanked Mr. Lawrence Brown and stated they would try to get an answer for him. He asked if anyone else wished to speak.

Mr. Ash Cutchin of Darden Mill addressed the Board. He said he hated to take up any more time on this than necessary, but he was somewhat familiar with the property. If you notice up there on the map there is a mobile home park and off to the left of it is a ravine. He said he would like to clarify a statement that Supervisor Porter made a few minutes ago that if this were usable for industrial somebody could put a well and a septic tank. He stated he didn't think you would ever get a septic tank approved there because of the soil type. When he was appraising the mobile home park some years ago one of the considerations he looked at was putting in a garage and he did some research on the soil and it wouldn't perk. That is why there is a lagoon there because it wouldn't perk for individual septic tanks. He stated that he also investigated across the road from the entrance to the industrial park municipal water and sewer which is over a mile away and fifteen years ago it was something like \$375,000 to run sewer and water down to this site and he would estimate that it had probably doubled since then so nobody is going to put a warehouse when they have to come along and pay three, four, or five thousand dollars an acre and then have to spend a million dollars to run sewer and water to it. They are going to pick a site where sewer and water are already located or much closer than this so he thinks you are wrong if you think you can go there and put a septic tank. The proper designation for this is A-2 really which is something that we have in our zoning for land that is used for agricultural but suitable for some type of development in the future. If you look around at all the small towns such as Sedley and Capron and so forth much of the agricultural land around them is zoned A-2. He said he didn't think our children would live long enough to see a warehouse on that corner. He thanked the Board for their time.

Chairman Jones asked if anyone else wished to speak.

Mr. Gary Cross addressed the Board. He stated that we wasn't here to read the law books but there is a lot of land in the county that people would love to have what you want down because even A-2 land next to A-1 doesn't qualify for land use. He asked was he wrong?

Mrs. Beth Lewis said she didn't know.

He said when he read through the information to bring it to their attention when he was with Farm Bureau it said A-1 no ifs, ands, and buts.

Chairman Jones asked if anyone else wished to speak.

Supervisor Edwards asked what they were going to do now.

Chairman Jones said he was going to close the public hearing right now.

Supervisor Edwards said okay.

Chairman Jones closed the public hearing. He asked the Board what they had to say or wanted to do about it.

Supervisor Edwards made a motion that they go along with the Planning Commission's recommendation.

Supervisor Updike seconded the motion.

Supervisor West stated that we still have the unanswered question.

Supervisor Edwards said the answer to the question doesn't matter. Like we already said that is the last piece of land in the State of Virginia before it would be sited for industrial.

Supervisor Porter said he didn't see any downside from zoning it M-1 or M-2 if Mr. Lawrence Brown can get land use. He just doesn't see the down side.

Supervisor Updike said the down side is this – if we approve it as M-1 or industrial the land use values you will lose a lot of tax revenue for the county and he thinks if the property is M-1 they should already be paying additional taxes on it because they have privileges but for this piece of property he doesn't see any future development going on it and he thinks it is better for the county to approve it.

Supervisor Porter said the answer is if we don't know the answer to this question he can't evaluate Supervisor Updike's comment because if the answer is it doesn't have to be A-1 to be in land use it doesn't matter what we decide here because people still have the access to the land use program if that is the answer.

Chairman Jones asked if there was any other discussion as he has a motion on the floor.

Supervisor Edwards asked if he has a second to the motion.

Chairman Jones stated that he had a motion and a second on the floor.

Supervisor Edwards stated that he thought this was very well thought out by the Planning Commission. The Planning Commission doesn't do things helter-skelter. There were a lot of comments that night and a lot of discussion about this. There was a lot more discussion at the Planning Commission meeting than there was tonight and he didn't really see any problem with this being rezoned to A-1. Like he said it is already colored on the map and it could be rezoned to M-1. Like he said it is probably the worst piece of property that anybody in industry would want unless they were raising tadpoles or minnows.

Chairman Jones asked if there were any other comments.

Supervisor West asked if the owner would sell it for \$3,000.00 an acre.

Mr. Lawrence Brown said he wouldn't sell it for any amount of money. He plans to continue to farm it.

Chairman Jones stated to Supervisor West that we didn't need to go there.

Supervisor Edwards stated that the public hearing had been closed.

Supervisor Porter said we need to find the answer to this question; then we can take an appropriate stance.

Chairman Jones stated that we already had a motion to vote on it tonight so he had to take care of this motion. He called for the vote. The motion carried five to two with Supervisors West and Porter voting nay.

Chairman Jones stated they would move to item eight – Discussion with Town Mayors.

Mr. Michael Johnson stated that in June, during the citizen comment period, Mayor Spier Edwards from Boykins requested time on your agenda this month to have a discussion with the Mayors of Boykins, Branchville, Capron, Courtland, Ivor and Newsoms regarding the relationship between the recently-imposed solid waste management fee and resolutions adopted by their respective towns in 1984-1985. The *Code of Virginia* provides that the county utility tax shall not apply within the limits of any incorporated town IF that town chooses to impose a town tax on

consumers of utility service. Only towns that provide police or fire protection AND water or sewer services may impose their own utility tax. In 1984-85, each of the towns resolved to forego their authority to preempt the county in imposing the tax, provided that the county assumes responsibility for the cost of disposing of the solid waste generated by town residents. For reference, I'm attaching a copy of the resolution adopted by the Town Council of Boykins and the current enabling legislation from the *Code of Virginia*.

MAY-7-2012 10:30A FROM:TOWN OF BOYKINS 757-654-4951 TO:6538227 P.2

RESOLUTION  
OF THE TOWN COUNCIL  
OF BOYKINS, VIRGINIA

WHEREAS, the Southampton County Board of Supervisors has provided sanitary landfills in the County which the Towns have freely utilized to dispose of the solid waste of the Towns; and

WHEREAS, the County will be disposing of all solid waste at the Regional Landfill facility in Suffolk and subsequently closing all landfills in the County; and

WHEREAS, the County will be required to pay a "tipping fee" to the Southeastern Public Service Authority for the disposal of the solid waste; and

WHEREAS, the County has proposed to institute a consumer utility tax to provide revenue to pay for the disposal of solid waste; and

WHEREAS, State Law allows a Town to preempt a County which has a consumer utility tax so that revenues generated by the Town would be payable to the Town; and

WHEREAS, it is the desire of the Town Council of Boykins, Virginia to allow the County to pay for its disposal.

NOW, THEREFORE BE IT RESOLVED by the Town Council of Boykins, Virginia that the Town Council of Boykins, Virginia will not exercise its authority to preempt the County's consumer utility tax by adopting such a tax ordinance to be effective within the corporate limits of the Town.

AND, FURTHER BE IT RESOLVED that the Town Council feels that the best interest of the citizens of the Town of Boykins, Virginia will be served by the adoption of this resolution and the assurance herein stated.

This waiver is revokable on Council's approval.

A copy teste: Richard E. Farris  
Mayor

Date: January 16, 1985

# MINUTES OF MEETING

Regular Meeting December 13, 1984

Mayor Francis informed the Council that he and Sam Dreury are to sign the Resolution to the Southampton County Board of Supervisors for the sanitary landfills. The County will be required to pay a "tipping fee" to the Southeastern Public Service Authority for the disposal of the solid waste. The County will institute a consumer utility tax to provide revenue to pay for the disposal of solid waste. The resolution will allow the County to pay for its disposal and the Town Council of Boykins will not exercise its authority to preempt the County's consumer utility tax by adopting such a tax ordinance. Mayor Francis brought to the Council's attention that some of the Town are putting in a clause that will give them the right to change their mind in the future. L. P. Clary made a motion to insert this clause seconded by Curry Smith, motion carried.

Charles McDowell read the financial report. Motion by L. P. Clary to pay the short term notes off seconded by Curry Smith, motion carried.

L. P. Clary informed the Council that James A. Hill has paid the town \$200.00 for the loan and petty cash he owed. He also asked that Steve check all bill that are owed by the town and recommended that all purchase orders be attached to the bill.

Mayor Francis assigned L. P. Clary and Jan Nadeau to help him work up a better system on how to conduct the town business.

Mayor Francis appointed Curry Smith and Steve Brantley as a committee to check on delinquent town tags and taxes and report in January meeting.

L. P. Clary made a motion to go into executive session to discuss personnel and Christmas bonuses.

Mayor Francis reconvened to regular session. Curry Smith made a motion to pay the following Christmas bonuses seconded by L. P. Clary, motion carried.

Charles McDowell	\$125.00
Erna Scott	150.00
Steven Brantley	100.00
Roy Saffer	50.00
Brian Brown	50.00
Randolph Bottoms	50.00
James Worrell	30.00
Leo Williams	30.00
Georgia Barnes	25.00
Ernie Sydnor	30.00

***Code of Virginia, 1950, as amended***

**§ 58.1-3814. Water or heat, light and power companies.** — A. Any county, city or town may impose a tax on the consumers of the utility service or services provided by any water or heat, light and power company or other corporations coming within the provisions of Chapter 26 (§ 58.1-2600 et seq.), which tax shall not be imposed at a rate in excess of 20 percent of the monthly amount charged to consumers of the utility service and shall not be applicable to any amount so charged in excess of \$15 per month for residential customers. Any city, town or county that on July 1, 1972, imposed a utility consumer tax in excess of limits specified herein may continue to impose such a tax in excess of such limits, but no more. For taxable years beginning on and after January 1, 2001, any tax imposed by a county, city or town on consumers of electricity shall be imposed pursuant to subsections C through J only.

B. Any tax enacted pursuant to the provisions of this section, or any change in a tax or structure already in existence, shall not be effective until 60 days subsequent to written notice by certified mail from the county, city or town imposing such tax or change thereto, to the registered agent of the utility corporation that is required to collect the tax.

C. Any county, city or town may impose a tax on the consumers of services provided within its jurisdiction by any electric light and power, water or gas company owned by another municipality; provided, that no county shall be authorized under this section to impose a tax within a municipality on consumers of services provided by an electric light and power, water or gas company owned by that municipality. Any county tax imposed hereunder shall not apply within the limits of any incorporated town located within such county which town imposes a town tax on consumers of utility service or services provided by any corporation coming within the provisions of Chapter 26 (§ 58.1-2600 et seq.), provided that such town (i) provides police or fire protection, and water or sewer services, provided that any such town served by a sanitary district or service authority providing water or sewer services or served by the county in which the town is located when such service or services are provided pursuant to an agreement between the town and county shall be deemed to be providing such water and sewer services itself, or (ii) constitutes a special school district and is operated as a special school district under a town school board of three members appointed by the town council.

Any county, city or town may provide for an exemption from the tax for any public safety answering point as defined in § 58.1-3813.1.

Any municipality required to collect a tax imposed under authority of this section for another city or county or town shall be entitled to a reasonable fee for such collection.

D. In a consolidated county wherein a tier-city exists, any county tax imposed hereunder shall apply within the limits of any tier-city located in such county, as may be provided in the agreement or plan of consolidation, and such tier-city may impose a tier-

city tax on the same consumers of utility service or services, provided that the combined county and tier-city rates do not exceed the maximum permitted by state law.

E. The tax authorized by this section shall not apply to:

1. Utility sales of products used as motor vehicle fuels; or
2. Natural gas used to generate electricity by a public utility as defined in § 56-265.1 or an electric cooperative as defined in § 56-231.15.

F.1. Any county, city or town may impose a tax on consumers of electricity provided by electric suppliers as defined in § 58.1-400.2.

The tax so imposed shall be based on kilowatt hours delivered monthly to consumers, and shall not exceed the limits set forth in this subsection. The provider of billing services shall bill the tax to all users who are subject to the tax and to whom it bills for electricity service, and shall remit such tax to the appropriate locality in accordance with § 58.1-2901. Any locality that imposed a tax pursuant to this section prior to January 1, 2001, based on the monthly revenue amount charged to consumers of electricity shall convert its tax to a tax based on kilowatt hours delivered monthly to consumers, taking into account minimum billing charges. The kilowatt hour tax rates shall, to the extent practicable: (i) avoid shifting the amount of the tax among electricity consumer classes and (ii) maintain annual revenues being received by localities from such tax at the time of the conversion. The current service provider shall provide to localities no later than August 1, 2000, information to enable localities to convert their tax. The maximum amount of tax imposed on residential consumers as a result of the conversion shall be limited to \$3 per month, except any locality that imposed a higher maximum tax on July 1, 1972, may continue to impose such higher maximum tax on residential consumers at an amount no higher than the maximum tax in effect prior to January 1, 2001, as converted to kilowatt hours. For nonresidential consumers, the initial maximum rate of tax imposed as a result of the conversion shall be based on the annual amount of revenue received from each class of nonresidential consumers in calendar year 1999 for the kilowatt hours used that year. Kilowatt hour tax rates imposed on nonresidential consumers shall be based at a class level on such factors as existing minimum charges, the amount of kilowatt hours used, and the amount of consumer utility tax paid in calendar year 1999 on the same kilowatt hour usage. The limitations in this section on kilowatt hour rates for nonresidential consumers shall not apply after January 1, 2004. On or before October 31, 2000, any locality imposing a tax on consumers of electricity shall duly amend its ordinance under which such tax is imposed so that the ordinance conforms to the requirements of subsections C through J. Notice of such amendment shall be provided to service providers in a manner consistent with subsection B except that "registered agent of the provider of billing services" shall be substituted for "registered agent of the utility corporation." Any conversion of a tax to conform to the requirements of this subsection shall not be effective before the first meter reading after December 31, 2000, prior to which time the tax previously imposed by the locality shall be in effect.

Chairman Jones asked Mayor Spier Edwards to approach the podium.

Mayor Spier Edwards of Boykins addressed the Board. He stated he resides at 32287 South Main Street. He thanked the Board for allowing the Mayors the opportunity to discuss issues concerning the trash disposal fee and the town resolution that they have with the county. The information that he provided each of the Supervisors with last week states that in the 1984-85 resolution in the county minutes that the county would pay for the town's disposal of trash if they gave up the consumer utility tax so that the county could impose it. These resolutions were drafted

by him to the Board at a public meeting held at Southampton High School before adopting the budget. His questions to you are 1. Are you going to honor the town's 1984-85 resolution? Are resolutions the way towns and the county reach an agreement? If towns decide to pre-empt the county considering utility tax what percussions would the county have on the towns. In reference to our county administrator, he didn't think he went far enough in the Code of Virginia and he will read that to you. "Any county tax imposed hereunder shall not apply within the limits of any incorporated town located within in such county which the town imposes a town tax on consumer of utility services or services provided by any corporation coming with in the division of Chapter 26 58.1.2600 provided that such towns provide police and fire protection and water or sewage service." That is where he stopped, but it goes further. It says provided that any such town served by a sanitary district or service authority providing water or sewer service are served by the county in which the town is located when such services are provided pursuant to an agreement with the town and county shall be deemed to be provided such water and sewer service itself. So that clearly states that we don't own the water and sewage. We had an agreement with the county to provide that and it states that it comes under the authorization that the towns do have to impose the utility tax. So he wanted to clarify that so that in making your decision we do come under those requirements. Another thing is the \$200.00 trash disposal fee – is that the best way to generate funds to balance the budget? He thanked the Board for listing to his concerns and hoped they would address them accordingly.

Chairman Jones asked if anyone had any questions.

Supervisor Porter asked Mayor Spier Edwards if he believed in fairness.

Mayor Spier Edwards said yes.

Supervisor Porter said okay then let's forget about the resolution and talk about fairness.

Supervisor Porter stated that he represents a district that doesn't have a town.

Chairman Jones said he didn't either.

Supervisor Porter said so that makes two of us. The towns get a lot of benefits from the county that his residents don't get. They get water service and sewer service. For that his residents get to pay 18 cents in real estate tax so your folks can have water and sewer service. He asked Mayor Spier Edwards if he knew that.

Mayor Spier Edwards said he knew that, but that was not the issue here tonight.

Supervisor Porter said no, no his issue is do you think that is fair. Now you are asking my residents to further subsidize your trash disposal because you don't want to pay the \$200.00 fee. He stated that his residents didn't want to pay it either but they don't have an out. He stated that he didn't know if Mayor Spier Edwards out was legal. He thought at most he could rescind his agreement not to collect utility tax.

Mayor Spier Edwards said I'm asking you this question.

Supervisor Porter said I'm asking you a question - do you believe in fairness.

Mayor Spier Edwards said he did believe in fairness but that is not the issue.

Supervisor Porter said it is, it is fairness.

Mayor Spier Edwards said the issue I'm bringing up tonight is are you going to honor the resolution that the county came to their towns and asked them to preempt a consumer utility tax so that you could get the tax and the agreement was that you would pay for the town's disposal of trash. It says in the resolution that it was called a tipping fee to dispose of the trash and not one cent of money has ever come from the consumer utility tax that went to a tipping fee; it was used for the capital improvements and the replacement of revenue sharing.

Supervisor Porter asked Mayor Spier Edwards if he kept all his money in his right pocket or his left pocket.

Mayor Spier Edwards said he kept it in both pockets.

Supervisor Porter asked Mayor Spier Edwards when you pay a bill does it matter which pocket you take it out of.

Mayor Spier Edwards said not really.

Supervisor Porter said right now we spend about two million dollars disposing of trash. We collect roughly \$450,000 in utility tax now whether we take that \$450,000 and pay bill A or whether we pay SPSA we still have to find money somewhere else to pay SPSA. It is a concept called funds ability of money. It does not matter where you get the money or where you get the bills at the end of the day it is the total amount of the money you collect and the total bills you pay. So like you said sometimes you pay it out of the right pocket and sometimes you pay it out of the left pocket so he doesn't think that the argument that the money collected hasn't been used to cover the payments of disposal is valid because we had to pay these bills. These bills have been four times what we collected in utility tax. Now I know you collect money in Boykins to collect trash. He asked if their collection covered their costs.

Mayor Spier Edwards said no, it doesn't.

Supervisor Porter said it covers a lot closer than our costs of the utility tax.

Mayor Spier Edwards said he didn't have that information readily available tonight.

Supervisor Porter said but anyway he wanted to get back to this fairness question. The problem with our country today is that everybody wants everything but they want somebody else to pay for it. People from his district feel like they have been burdened to pay extra so you can have water, you can have sewer, and now you can have free trash disposal. He stated that they had had enough in his district. He said he didn't know about the other people, but they just couldn't shoulder the burden any more. You pay \$0.25 cents on the dollar through utility tax to pay for your waste disposal. You pay less than half the cost of your water and sewer service and now you want my people in my district to pick up the tab.

Mayor Spier Edwards said all he wanted him to do is tell him whether they were going to honor the resolution or not.

Supervisor Porter said he didn't agree with Mayor Spier Edwards on the legality of the resolution. He stated that he had looked at the Boykins resolution and it says you can rescind this at any time so you made no commitment to make it a permanent resolution. He doesn't see them having the commitment to make it a permanent resolution so why do you expect us to do it.

Mayor Spier Edwards said they have not rescinded. They had not brought it to the Board asking them to rescind it.

Supervisor Porter said you can do it anytime you want to.

Mayor Spier Edwards said we could but we have relied on our agreement for over twenty five years that you would pay for the disposal of their trash. Now you are putting an additional \$200.00 per household in the Town of Boykins to pay for the disposal of trash.

Supervisor Porter said we have put that on the whole county. We put that on every household in the whole county.

Mayor Spier Edwards said but we already had an agreement for you to pay for disposal of the trash for all the towns in the county.

Supervisor Porter said so you want us to pay the bill.

Mayor Spier Edwards said that is not the question.

Supervisor Porter said no that is the question that is exactly what you are doing.

Mayor Spier Edwards said he would like for the Board to consider what they had talked about and whatever you do we will abide by it somewhat. We do have the option to take back the tax if this is imposed. Whether the towns will opt to do this or not he didn't know; he couldn't speak for them, but there is a possibility.

Chairman Jones asked if anyone else had any questions.

Supervisor Phillips said the only comment he would have is that his agreement was made in 1983 or 1984 and finalized in 1988, somewhere in that time frame. The only comment that he would have is that this tipping fee has changed dramatically. You see what I'm saying. As Supervisor Porter said the waiver is revocable on council's approvable. It is not a binding agreement or you wouldn't have put that in there. He offers you this comment for consideration. Our costs just like on everything else have gone up and you need to take that into consideration. He just asked you to do that.

Mayor Spier Edwards said concerning that in 1988 when the consumer utility tax was passed it was \$3.00 per household. At that time the tipping fee probably maybe \$15.00 or \$20.00 per ton. Now the tipping fee is \$125.00 per ton and you still are getting \$3.00 per household along with another tax added on to that but he can't remember what it is. What he is saying is that the \$3.00 you got then probably brought in more money than the tipping fee would have incurred. The money that actually came in never went towards a tipping fee; it went towards capital improvements. It was stated that it was supposed to go for a tipping fee, but it never went there.

Chairman Jones asked if there were any other questions.

Supervisor Edwards asked Mr. Richard Railey for an analysis of this agreement.

Mr. Richard Railey said he would be happy to. As he reads the enabling legislation of 58.138 14 as amended a town doesn't have to fiscally offer water and sewer but it has to have an agreement or be under authority. If you remember the history of this Boykins and Newsoms aren't under an agreement. The citizens of Boykins and Newsoms are treated as anybody else in Southampton County who has water and sewer. Boykins plays absolutely no part in those systems in fact they are subsidized to a large extent by this Board and by all the citizens of Southampton County so to assume that Boykins and Newsoms could even be eligible to pass a utility tax is a stretch. In fact he feels comfortable in telling you they couldn't. Now Courtland could because Courtland has its own water system so that is the thresholding mark and it really in his judgment kills the rest of the discussion. However, suppose I'm dead wrong and suppose they say it is an implicit agreement with the people in Boykins that Southampton County does provide water and sewer but Boykins and Newsoms do not participate in any way in providing that service that he is aware of. So they could pass a utility tax. If they do they can preempt Southampton County. If they do then the county's obligation to provide free waste disposal to Boykins and Newsoms is off the table. Now does that mean the citizens of those two towns would be stopped – no absolutely not. That means that Boykins and Newsoms couldn't carry their trash to the county transfer stations free of charge any more. If this Board wanted to it could because they would not be abiding by their part of the agreement and we have always abided by our part of the agreement. We have taken care of the tipping. Now they have a fee in these towns, in fact Courtland has it too, for pickup, but that is something that Boykins, Newsoms, and Capron get that no one else in the county gets. We have to carry our trash to the station and they don't. The question that is asked is would you deny the people in these towns to carry their trash – absolute not. He doesn't even think you could do that, but you could say Boykins and these other entities you have elected to have your own and you are going to have to pay the tipping fee too. That is the legality of it. To say that the money hasn't been used - we might have used the utility money for one expense but we have taken away from something else to pay that expense so what difference does that make. There is no requirement in the code that the money be segregated or put in a lock box. He doesn't think you will get to the threshold question.

Mayor Spier Edwards said what their attorney told them today is that when the Town of Boykins sold the water system to the county there was agreement that the county would provide water and service to their town. He said he was not involved in that so he would have to go back to their Mayor during that time to see what the agreement was.

Mr. Richard Railey says he can appreciate his arguments, but the point is he thinks there is language in the code that contemplates where Southampton County agrees to provide water and sewer to Boykins and you collect it, and we will set the rates and pay you this much. He said to his knowledge, and correct him if he is wrong, none of the towns except the Town of Courtland participate in any way of water and sewer collection, or the administration, or hiring and firing, or rate setting, or anything of that nature. That is the reason he would argue that there is no agreement.

Chairman Jones asked Mayor Spier Edwards if that answered his question.

Mayor Spier Edwards said somewhat, but he is not convinced that that is the right answer.

Chairman Jones asked if there was any further discussion on this.

Mayor Preston Futrell of Branchville said he had a few things he would like to say about this situation. He said he looked back in their minutes and it states that this is your resolution as your Board came to the towns asking for the resolution. He stated he was going to give them a copy for their record where Mr. Harrell Turner came representing you at the time. You wanted us to give you that tax and we did in exchange for the tipping fee. You are still getting the tipping fee. So his question is is the agreement coming to an end. He asked is this the end of this agreement. He said they started collecting the money. You probably got more in utility taxes than what you were paying to dispose of the trash at the time and you didn't probate any of that back to us then, but now it has changed. I guess that's fair. He said he was submitting this to you and asking what was your intention. He asked how the Board was going to manage the agreement with the Towns. He asked if there was any integrity in this agreement.

Supervisor Porter said his intention was to treat all county residents the same whether they live in a town or not.

Mayor Preston Futrell said well town people pay more taxes than county people do.

Supervisor Porter said and they get benefits for that.

Mayor Preston Futrell said we have an agreement that you asked us to have. It was your agreement.

Supervisor Edwards said they didn't ask that. They weren't here then.

Mayor Preston Futrell said it was the Southampton County Board who asked for the agreement.

Supervisor Edwards said that was about thirty years ago.

Mayor Preston Futrell said it is still an agreement. You are still getting the tipping fee.

Supervisor Edwards said the county has financial problems. None of us like this \$200.00 fee. Not a one of us up here wanted this, not a one of us. It was the only we saw out of it at the time. It is the best way to share the burden with everybody in the county. Now you are asking us to subsidize you. The people in his district don't want to subsidize you. I don't want to subsidize you. He is going to pay his fair share and he wants everybody in his district to pay their fair share.

Mayor Preston Futrell said we had an agreement. I'm just asking you about the integrity of the agreement.

Supervisor Edwards said he thought Mr. Richard Railey had already answered that. It is not a

legal document and that was thirty years ago and times have changed and we are asking the county for help in this process.

Mayor Preston Futrell said so it's null and void.

Mr. Richard Railey said he didn't think anybody said it was null and void. He thought what you said is that Southampton County continues to pay the tipping fee. The only point that he would submit, assuming that you could, have your own utility tax and then Southampton County would have to consider saying well the town is not abiding by the agreement then the towns don't get to carry their trash, but the citizens can.

Supervisor Porter said let me ask you another question. We definitely have the right to increase the water bill. We could have raised your water bill to \$52.00. That would have covered the cost of providing you with water. We could have raised your sewage bill to \$120.00 a month and that would have covered the cost of sewage. Would you be standing here now or would you be screaming or would your citizens be screaming if we had raised the money that way. That is legal. We looked at a way that spread the burden on the whole county which we thought was the fairest approach so that everybody helped the county to get back on their financial foot. He said everybody hates it. I hate it. The issue is you are asking for special treatment and he is sorry but the people in his district are fed up with special treatment for the towns.

Mayor Preston Futrell said it was your agreement. He stated that he was a member of a town that had an agreement from this Board and you are not honoring your agreement and it seems like there is no integrity here in what you say you are going to do. He said he would appreciate it if you read those minutes from the Town where your representatives came and what they had to say. He said he had to represent the people he was supposed to represent. They want to know about this because they thought they had this covered. Like he said this was not something that they came up with; it is something that you came to us with.

Supervisor Porter said no it is a way the towns are trying to get the rest of the county to subsidize the services you get. You can cloak it. You can say anything you want, but that is the bottom line.

Mayor Preston Futrell said you could say that if I made the agreement up, but I didn't make the agreement up. It is your agreement. You brought it to us.

Supervisor West asked Mayor Preston Futrell if he had any idea approximately how many households were affected by this agreement from each of the towns involved.

Mayor Spier Edwards said they didn't come up with that. He would think 190 homes in Boykins, 80 or 90 homes in Newsoms, 500 homes in Courtland, and 95 homes in Capron.

Supervisor West said well let's say a 1,000 homes x \$200.00 which is \$200,000.00. Our backs are against the wall. You are asking for more than we are able to participate in. We asked from the beginning for all to share in this until something changes. If SPSA is able to reduce its rate, we will reduce the rate. That is a pledge. There is an additional pledge in here that if new businesses bring in new taxes we will reduce the rate. That is a necessary pledge. He stated that he didn't know anything more than to tell you we have to do it. You are continuing to ask for an additional break when you have a break on water and sewage and now you are asking for a break on trash removal as well. We are totally unable to do this at this time.

Mayor Preston Futrell said that is what you are saying but I'm just asking about the agreement we made at your request any good. He wanted to know if they were going to honor it or not. That is what he is elected to do to represent the people of Branchville and we have an agreement with you and it mentions this so I'm here asking are you going to honor it or not. He said he wasn't here to talk about any of these other issues that you guys have been elected to deal with. He has just kind of a small issue, but they do pay more taxes than anybody else in the county because we do pay town taxes. They did have this agreement and he didn't think that if they had this agreement they would be sitting on it either. We are not trying to get out of anything, but we thought we had something that you gave us but maybe we don't. If is good enough for the utility tax to be taken out of then it ought to be good enough to take the other part out as well it seems to him, but maybe

he is missing something here.

Mr. Richard Railey asked if Mayor Preston Futrell was arguing that this \$200.00 fee is a breach of this agreement.

Mayor Preston Futrell said yeah.

Mr. Richard Railey said well the funny thing is the agreement is between Southampton County and the towns and nobody said anything about breaching that, but \$200.00 applies to every household in Southampton County unless you are exempted. Everybody is treated the same.

Mayor Preston Futrell said it mentions tipping fee. It mentions disposing of trash in our minutes if you will read our minutes. When Mr. Harrell Turner came over here he was talking about disposal of trash.

Mr. Richard Railey said but it is still an agreement with the county.

Mayor Preston Futrell said so your \$200.00 tax is not an agreement with the town.

Mr. Richard Railey said no it is not. It is an agreement with Southampton County.

Mayor Preston Futrell said he thought they were trading a utility tax for the disposal of trash. That is what we thought the agreement was and this is trash. That's how we put it together.

Supervisor West said since it is a legal opinion that is required wouldn't it be right. He said since you have already contacted council wouldn't it be appropriate for your council and our council to talk together about this because we don't know.

Mayor Spier Edwards said he thought it was a good idea.

Mayor Preston Futrell said all I am asking is how are you going to proceed. He wanted to know for the integrity of their group and he thought the county would like to know that. He knew the town people would like to know that. He thanked the Board for their time.

Chairman Jones asked if any other mayor wanted to speak.

Mayor Nick Kitchen of Capron addressed the Board. He told Supervisor Porter that Southampton County does not subsidize the water system in the Town of Capron. He stated that when he signs a resolution that it binds the Town of Capron and his predecessor signed a resolution in 1985 concerning tipping fees and utility taxes and I'm sure he was of the opinion that it would bind the Town of Capron. He stated that they do not have a written agreement between the Board of Supervisors and the six incorporated towns. The only thing they have is an oral agreement and the minutes from the meetings in 1984, 1985, and 1988 that relates specifically to the six resolutions. He is of the opinion that previous Boards did not live up to that resolution and the intent behind the six towns signing the resolutions. He said he dare say any one of them knew that any of the resolutions existed. He stated that he knew Mr. Michael Johnson did. If this Board does not honor the resolutions that they signed in 1984 and 1985 he can tell you that he will recommend to his council that they revoke the resolution that they signed. We will go through the steps to enact the utility tax in Capron. We will pay the \$200.00 fee, but we will take the utility tax away from Southampton County. Fair or not everybody is having hard times – Southampton County and The Town of Capron too. He asked if anybody had any questions.

Chairman Jones asked if anyone had any questions.

Supervisor Porter asked Mr. Nick Kitchen if he believed in fairness.

Mayor Nick Kitchen stated to some degree.

Supervisor Porter said so situational fairness is what you believe in.

Mayor Nick Kitchen said well that is basically what the county has practiced. You have an oral agreement.

Supervisor Porter said he has the minutes and that's all he had – the same thing that Mayor Nick Kitchen has. He said he was not of the opinion that the \$200.00 fee violates the agreement between the towns and the county.

Mayor Nick Kitchen said he's not either. He said he wasn't saying that. I'm saying that this Board because they did not know the resolution existed and previous Boards whether they knew the resolutions existed, chose not to take the money from the utility taxes and apply it to the tipping fees. I understand funds availability.

Supervisor Porter said having spent his life in financing he thinks that is a serious argument that you make about not applying it to the tipping fee. Do you keep your money in your right pocket or your left pocket?

Mayor Nick Kitchen said both.

Supervisor Porter said sometimes you pay out of your right and sometimes you pay out of your left, but at the end of the day you have to account for all the money in and all the money out and that is what we do. At the end of the day we have to pay the tipping fees and the tipping fees have been paid over the years have greatly exceeded any monies we have received from any tipping fees. I don't think you can say that money hasn't gone towards satisfying our obligation.

Mayor Nick Kitchen said he had one question. He asked why was this \$200.00 fee named a trash disposal or whatever the technical name is. He asked why it wasn't named a we don't have enough money fee or a fund reconciliation fee.

Supervisor Edwards said it is because we didn't have enough money and we explained that. The county is in financial straits and none of us like this but it is probably the best way out of this that we could come up with.

Supervisor Porter said one of the things you should know is that we have limited ways that we can raise money. We collect property taxes, real estate taxes, machinery taxes, and the cost of services we provide to the citizens. We could have added that money on to the water fees and the sewage fees but he is afraid the people in Boykins, Newsoms, and Courtland, not you, would be screaming a lot louder because their bills would have gone up a \$100.00 a month not just \$200.00 a year. The situation we are in is very serious. The reason it was chosen was because we wanted a way to share the burden throughout the county and that was the fairest way we thought to share the burden. When we collect the \$200.00 and we collect the utility taxes we still don't collect enough to cover the cost of disposing our trash. Legally we are limited to how we can raise revenue and that is why we chose that fee.

Mayor Nick Kitchen said well why didn't you name it something else.

Mr. Michael Johnson said because you didn't have any statutory authority Mr. Nick Kitchen. You have got to have some specific statutory authority to be able to impose a fee. Solid waste is one area where you have no statutory authority.

Mayor Nick Kitchen thanked Mr. Michael Johnson. He said he still had to stand by what he said earlier.

Chairman Jones asked if any other mayor wanted to address the Board.

Mayor Danny Williams of Courtland addressed the Board. He said he wasn't going to say anything. He had sworn he wasn't going to get up here and say a word but he does believe in fairness and just to clarify his wife keeps his money and he can bring her next time just to verify it because he knows you aren't going to believe it. They do own their own water system in the Town of Courtland. The \$3.00 pick-up fee that Mr. Richard Railey referred to is a trash fee. Just to purchase a trash truck has nothing to do with the actual picking up of trash. It is just to make

the purchase of a vehicle. I know that was presented at one point in time and he does appreciate their forethought. He would like to see a little more of it. If the homes in the towns are supposed to pay this fee what is going to happen if the 500 in Courtland opt out of the system all together and leave that is his question to you because they have their own water system they have the ability to preempt the tax. That is going to be his recommendation that they preempt our tax. He said his recommendation is going further and that is to opt out of the trash program all together and they just pick up their own trash and haul it right to SPSA or whoever and look at getting Waste Management to pick up their trash. He said he would like to ask the Board how much money they spent in 2011 picking up trash in the Town of Courtland. He asked if anybody had checked into it to see.

Mr. Michael Johnson said no, he hadn't segregated Courtland out.

Mayor Danny Williams asked how much investment they have in collecting trash – in trucks, equipment, disposal areas, and the actual mechanics of collecting trash.

Supervisor Porter said \$2 million dollars a year.

Mayor Danny Williams said that doesn't include Courtland because you haven't touched our trash. The only thing you have done is pay the tipping fees because they pick up their trash and haul it to SPSA. So all the money you have invested and all the trash that blows across farm land is not Courtland's trash because we collect in an enclosed container and haul to SPSA. So you don't have any money invested in that. He would ask that you explain to him how you pay his tipping fees because every time they weight the truck every time they dump whether it is refuge or organic material. They weigh every vehicle so we know exactly how many pounds of trash that you pay us for so if we are going to have to pay you this \$200.00 are they going to get a rebate assuming we stay in the program. Are you going to pay me back whatever you collected in \$200.00 fees after we pay for the trash in Courtland? He said he wanted something different. You are not touching it; we are paying for it, buying the fuel, and providing the manpower. We are doing just like your county residents; we are hauling it to the trash sites. We are hauling our trash to your sites so I do feel like we need a little tip of the hand. You can call it revenue sharing or whatever you want to. He stated that he does believe in fairness and he didn't think this was fair. He didn't think they were being treated fair. He stated he didn't believe they had the investment in the Town of Courtland that they had in other areas. He would like to have answers to the questions as to how much money was spent, how many tons of trash and what that actually cost. He would also like to know how much money they plan to collect from the residents in the Town of Courtland for the trash. He said he agreed with what each of the mayors said in their own way. He said he was in line right beside them except that Courtland does have their own water system and they do handle their own trash. He asked if anybody had any questions.

Chairman Jones asked if anyone had any questions.

Mayor Danny Williams said he would bring his wife next time just so they would know that his wife keeps the money.

Chairman Jones asked if any other mayor wished to speak.

Supervisor Faison stated that two towns Boykins and Branchville are in his district and it appears that in 1980's when this resolution was adopted things were so much different from today and when the towns agreed to forgo the authority to pre-empt the county to propose the tax that was certainly workable at that time because of the cost of everything, but now we are in a whole different situation. This \$200.00 fee generates \$1.3 million dollars in the budget. Without that fee our budget would not have been balanced and so now for years it has operated as it did but now that two hundred dollar fee is imposed and it is on everybody in order to be fair.

Supervisor Porter said he would like to echo Supervisor Faison's comments. We didn't just do that fee. We acknowledge that in 1984 and 1985 the environment was different, but we have to treat every resident in the county the same. He said he didn't feel like they could exempt anyone. If the towns feel like they have options and do it better you have to do what you think is right. You have to do what you feel is right for your people and for you. But at the end of the day as he

said his district doesn't have any towns and they get nothing for all the money they pay on some of these issues. He simply can't support exempting some residents because they live in towns regardless of what was back in 1988. He said he was sorry.

Supervisor West said he agreed with what he had heard in terms of I think it is a fair thing for us to pay the \$200.00 fee. I'm going to say this and you can hold it against me any way you want to. From the federal government on down he has seen the most toxic and caustic attitudes of people in general about paying anything whether their fair share or whatever. These are troubling and difficult times for us all. We are not taking this lightly. An agreement is an agreement. Legally the shake of the hand is an agreement. You have heard Supervisor Faison and Supervisor Porter, 1984 and 2012 are different times. He stated that he didn't know the legal answer. He asked you to do the right thing because he can tell you that \$0.18 cents of the tax dollar of \$0.75 is paid to retire the debt for the towns that use sewage or water. Is it fair? Is it fair to me to pay that living on Tucker Swamp Road? He has a septic system that works quite fine and he has a deep well that cost him \$10,000.00. He paid for it. He doesn't expect you to pay for it, but he is fair game to pay whatever taxes he has to pay in the county because he believes the schools should be supported. He believes the Sheriff's Department should be supported. He believed that every one of us enjoys 911 and the answers and things that are protecting us in the county. We have one the lowest crime rates in the state of Virginia. Yeah, you have a gripe and he knows that. Again our attitude is so difficult to get along with. There was a man names Rodney King. He asked if they had ever heard of him. He said what - can't we just all get along together. All of you mayors have a tough job and he knows people don't like it and it does affect people with low income, but it is the fairest distribution that you can have because it affects everyone. Yes, it is difficult for the ones that don't have the money. We have been told there are those that can't pay. Yes, there are going to be those that can't pay. There is no question about that. Maybe they will be booted. He didn't know. Sometimes he gets excited about it. He said somebody told me they got booted. He said he hated that for somebody, but we have got to work this thing out. This year is tough. It could be worse next year. You read about the economy. He said he had been in the homes of some people who had the television on watching the stock market. We are feeding on this fear. We are going to have to work together and he is asking you to do that. You have heard it; we have good people who have made good assessments. It cost \$175.00 or \$180.00 a month for sewage and water for those and that is shared and paid for by this county for those few residents who can have it - 1,000 out of 7,500 homes. He said he is willing to pay and supplement you, but some folks are coming here tonight telling me they want a rebate and they want this and that and I can't recommend that and I'm going to carry my trash and I'm going to do this and that. You are threatening us. It is a legal issue. Do what you have to do. I'm sorry but we have got to work together in Southampton County. He said he wanted to talk about hunting - this muzzle loading - I wanted to get some changes and thoughts. I don't want to talk about muzzle loading - do you understand me. I get sick and tired of our attitudes because we are not being nice to people. I don't know what the next answer is. You have got to work with us; that is the truth. We didn't have to do this we could have, as Supervisor Updike said, made a \$0.10 cents increase in the tax rate. Folks came on the Board saying they wouldn't raise taxes. You can hide it or call it whatever you want to call it but it still went up didn't it. I'm sorry. Hang with us; you have got to. He said mayors I'm sorry. It is a legal question and I want you to get your legal dues and the rest of us will be glad to pay and supplement and do whatever we have to do. That is a fact of life. He didn't expect any sewage and he didn't expect any water, but if you stop by I'll let you flush the toilet and get a cold glass of water and you don't have to pay for it and no citizen in the county has to pay for it. I'll give you cold water with ice.

Chairman Jones called on Supervisor Phillips.

Supervisor Phillips said we have been back and forth on this. We are trying to work with you and you say you are trying to work with us. This is a 1984 agreement and we did come in here without knowing anything about it, but do we need to stop everything else we are doing and update that agreement. He asked did we need to take all the time necessary to find the numbers and prove your point or prove our point. Technically or ethically because that is what you are talking to us about that is ethics. That would be the only way to really prove the point or settle the situation because we want to be fair. We have also talked about where that money goes. We want to work with you and if we need to sit down and create another committee that's what we'll have to do, but we do want to work with you. We love this county. The whole purpose is to try to make this

county work. You have a 1984 agreement that is not current and it is our fault or the previous boards fault for not having been proactive. If he remembers correctly the SPSA tipping fee started at \$50.00 a ton.

Mr. Michael Johnson said less.

Supervisor Phillips said a little bit less.

Mr. Michael Johnson said much less.

Chairman Jones said \$25.00 or \$26.00 – something like that.

Supervisor Phillips said but it has gone to \$150.00.

Mr. Michael Johnson said \$170.00.

Supervisor Phillips said okay \$170.00. He said yes he does remember that. He said he did understand their frustration because it is a way to solve your particular money problem. We are trying to solve a bigger one. Let's not call the attorneys. Let's work together to see how we can resolve this because we all love this county. That is the whole purpose. He said he was so happy to see all these people here. He stated that before he was on the Board there used to be four of us sitting out there every month. Let's see what we can do.

Chairman Jones asked Supervisor Updike if he had anything to say.

Supervisor Updike said the only thing that he can say is that he understands their standpoint. He is a person who when he says something means it. Just like he voted against tax increases, we made an agreement with the towns. All we have to do is decide if we are going to honor previous Boards agreements. Like the Mayor of Capron mentioned he said he wished to God that they had figured out some other terminology rather than tipping fees or trash fees. He can't say he knows the answers to these questions, but he understands both sides. We are in desperate need of finances for the county and yet as far as he can see from his interpretation we did have an agreement with the towns so those two issues we have got to work around and change somehow the title of the trash fees. He wished to God they had taken the time to think of some other way to put that tax in order.

Supervisor West asked if he could ask a question.

Chairman Jones said yes.

Supervisor West asked Mr. Michael Johnson if we have to provide 95% of the trash produced in the county to SPSA, correct.

Mr. Michael Johnson stated that is correct.

Supervisor West asked if that took into consideration what the towns had as well.

Mr. Michael Johnson said yes.

Supervisor West asked legally they could get out of that agreement if indeed we have to carry and that is just pretend okay. The SPSA agreement until 2018 is 95% which the other 5% can be take somewhere else which we do take advantage of at the rate of approximately what?

Mr. Michael Johnson said the rate is \$32.50.

Supervisor West asked can we legally grant these mayors this if indeed we have to give 95% of the trash to SPSA or do we have to pay for something we don't carry.

Mr. Michael Johnson said you are asking me a legal question. I'm not a lawyer, but I'll tell you what I think. The use and support agreement between SPSA and the county speaks to solid waste

the county controls. If the towns decided they wanted to assume responsibility for their own waste in his judgment he is not sure that waste is subject to the use and waste agreement and those towns would be free to carry it wherever they wished to carry it to and dispose of it at whatever rate they wished to dispose of it at.

Supervisor West said so then it would be important to find out indeed how much you are moving Mr. Courtland because it would reduce our approximate 800 tons per month by maybe 40 or 50 tons which means we would pay less tipping at \$125.00 a ton, right.

Mr. Michael Johnson did yes.

Supervisor West said so then we would save money theoretically if indeed you chose to do the whole town.

Mr. Michael Johnson said essentially that would work out, but the problem that you would still have is that the towns are not collecting 100 percent of the waste in towns. Some residents carry it directly to the sites out of convenience.

Supervisor West said well at this point it would have to be an all or none agreement. You succeeded.

Mr. Michael Johnson said there is no way for us to enforce that. There is no way our attendants can tell if it is a resident of the town from a practical point of view.

Supervisor West said he still thought it was a legal issue.

Chairman Jones said he thought our lawyer had told us that this agreement is an agreement and that when we said \$200.00 for everybody that meant every household and that includes the towns so that is what we have to do. From what I see that is what you are going to have to do - \$200.00 for everybody in the county.

Chairman Jones said let's move on to number nine – Capital Funding Request – Drewryville Volunteer Fire Department.

Mr. Michael Johnson said you see in your agendas a capital funding request form the Drewryville Fire Department to make the final payment on Brush Unit 73. Capital funding in specified amounts has been set aside annually for each fire department and rescue squad since FY 2000. These funds are held in escrow until a request to draw them down is approved by the Board of Supervisors. Escrowed funds continue to accrue for each department/squad if they are not drawn down on an annual basis. The attached table indicates the status of capital appropriations since FY 2000. As you can see, we are holding \$14,000 (FY 2013) in escrow for Drewryville Volunteer Fire Department. To date, we've collectively appropriated \$1,633,500 for fire and rescue improvements and are holding \$371,500 in escrow.

RECEIVED JUL 11 2012

DREWRYVILLE FIRE VOLUNTEER FIRE DEPARTMENT  
P.O. BOX 125  
DREWRYVILLE VIRGINIA 23844

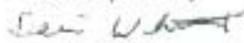
July 9, 2012

Mr. Michael Johnson  
County Administrator, Southampton County  
Post Office Box 400  
Courtland Va. 23837

Dear Mr. Johnson,

I would like to take this time to request the \$14,000.00 dollars allocated to the department from the county. The money will be used to make our final payment on the Brush Unit 73. We would like to thank you and the Board of Supervisors for all your help.

Sincerely Yours,



Dennis Whitby  
Sec/Treas.

**STATUS OF CAPITAL APPROPRIATIONS**  
 Fire & Rescue  
 July 16, 2012

	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2005	FY 2007	FY 2008	FY 2009
Boykins Fire & Rescue	\$ 12,000	\$ 13,000	\$ 14,000	\$ 14,500	\$ 15,000	\$ 15,000	\$ 15,000	\$ 16,000	\$ 19,500	\$ 21,000
Branchville Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	12,000	13,000	14,000
Capron Fire & Rescue	12,000	13,000	14,000	14,500	15,000	15,000	15,000	18,000	19,500	21,000
Courtland Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	12,000	13,000	14,000
Courtland Rescue	4,000	4,500	5,000	5,000	5,000	5,000	5,000	6,000	6,500	7,000
Drewryville Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	12,000	13,000	14,000
Franklin Fire & Rescue	12,000	13,000	14,000	14,500	15,000	15,000	14,000	18,000	19,500	21,000
Hunterdale Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	12,000	13,000	14,000
Ivor Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	12,000	13,000	14,000
Ivor Rescue	4,000	4,500	5,000	5,000	5,000	5,000	5,000	6,000	6,500	7,000
Newsoms Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	12,000	13,000	14,000
Sedley Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	12,000	13,000	14,000
	\$ 100,000	\$ 107,500	\$ 115,000	\$ 120,000	\$ 125,000	\$ 126,000	\$ 124,000	\$ 150,000	\$ 162,500	\$ 175,000

	FY 2010	FY 2011	FY 2012	FY 2013	Appropriated	Escrow
Boykins Fire & Rescue	\$ 21,000	\$ 21,000	\$ 21,000	\$ 21,000	\$ 220,000	\$ 21,000
Branchville Fire	14,000	14,000	14,000	14,000	145,000	14,000
Capron Fire & Rescue	21,000	21,000	21,000	21,000	136,000	105,000
Courtland Fire	14,000	14,000	14,000	14,000	132,000	28,000
Courtland Rescue	7,000	7,000	7,000	7,000	53,000	28,000
Drewryville Fire	14,000	14,000	14,000	14,000	145,000	14,000
Franklin Fire & Rescue	27,500	14,500	21,000	21,000	184,500	56,500
Hunterdale Fire	14,000	14,000	14,000	14,000	145,000	14,000
Ivor Fire	14,000	14,000	14,000	14,000	145,000	14,000
Ivor Rescue	7,000	7,000	7,000	7,000	74,000	7,000
Newsoms Fire	14,000	14,000	14,000	14,000	104,000	56,000
Sedley Fire	14,000	14,000	14,000	14,000	145,000	14,000
	\$ 181,500	\$ 168,500	\$ 175,000	\$ 175,000	\$ 1,633,500	\$ 371,500

██████████ Held in escrow pending request

Chairman Jones asked if anyone had any questions.

Supervisor Faison made a motion to approve the capital funding request for Drewryville Volunteer Fire Department in the amount of \$14,000.00.

Supervisor Edwards seconded the motion which carried unanimously.

Chairman Jones stated the next item was number ten – Wastewater System of the Year – Virginia Rural Water Association.

Mr. Michael Johnson stated at its annual conference in April, the Virginia Rural Water Association recognized Southampton County as its statewide Wastewater System of the Year. Raymond Bryant and Michael Smith traveled to Roanoke to accept the award. The engineer and builder of the new Courtland Plant (Timmons Group and Mid-Eastern Builders), have asked for a few moments on your agenda to recognize our Department of Utilities for their dedication and hard work and to make a presentation to the Board.

Chairman Jones asked those making the presentation to come forward.

Mr. Tim Christian of the Timmons Group passes out copies of the article to the Board.

Chairman Jones said you mean we did something right.

Mr. Tim Christian said yes sir. He said he was here tonight to present the county something very special. He said he would like to take a few minutes to present us with some background. He stated that in 2006 the Courtland Wastewater Treatment Plant was near the end of its useful life

and capacity limits. Several months during that same year the plant passed its 80% capacity of its limits which figures by state regulations that we have to expand and upgrade those facilities. After reviewing several options to improve the existing plant the county determined to build a new plant addition to the existing facility. Late in 2007 the County entertained a design build proposal and over the next several months that proposal was given to the counties legal and engineering consultants. In approximately mid 2008 the project was given the green light and the team was off and running. This is a different situation where the team is the county, Mid-Eastern Builders (represented here by David Ervin), The Timmons Group represented by him – Tim Christian. It is a cohesive team that worked together with this. It is not a design of ours to build. We had another firm to evaluate all that up front. We had a very cooperative environment through all of this. We had to meet several goals. Besides setting the obvious goals to meet the county's needs we set another goal. We wanted to build a very nice facility for the least amount of money possible. We wanted to build an award winning facility. Back in June of 2010 the new plant was put on line and the old plant was taken off line. All of this happened approximately twelve months ahead of the usual project schedule. The County now has a water reclamation facility that is also expandable to accommodate any future growth for many years to come. So the mission was accomplished almost. That brings him to a short time ago when the Virginia Rural Water Association informed the County that we had accomplished our very last goal. We would be an award winning facility. He doesn't want to overstate this, but this is a very prestigious award within Virginia. There are potentially hundreds of systems throughout Virginia that are capable of possibly vying for this award and there is only one award passed out each year. Our Courtland facility won the system of the year for 2012. To win this very prestigious award our facility was graded on several different criteria of which he would mention a couple of them. One of them is meeting permit requirements. Another is how is the system being operated and maintained. Also, has the environment benefited from this and have they done a very good job operating the facility. Finally, how has the system impacted in a positive way the community and the environment? So as you can see from the design and building of the facility these are the first two steps of this process. The third step which is what the county staff did was turn it over and operate it. He invited Mr. Michael Johnson up to the podium to accept the award. He stated it was with great pleasure that he presented Mr. Michael Johnson with a plaque and thanked him for working with them on this project. He stated the "Tidewater News" wanted to get a picture of the presentation. Of Mid-Eastern Builders stated the key to making this happen was the utility staff –Mr. Julien Johnson, Mr. Raymond Bryant, and Mr. Michael Smith. He stated that these guys were the ones to give the most credit for earning this award.

Mr. Michael Johnson stated he would like to recognize those guys who work with the wastewater treatment system. He asked them to stand. They received a round of applause.

Chairman Jones stated we would move to item number eleven – Follow-up From Last Month – Solid Waste Convenience Sites.

Mr. Michael Johnson stated that is your agendas you saw a copy of a memo from Mr. Jon Mendenhall summarizing the in-service training conducted with our solid waste site attendants on July 16. The session lasted about an hour-and-a-half with approximately 30 part-time employees in attendance. The standard operating procedures were discussed as well as the importance of a more visible presence, a focus on customer service, enforcement procedures and ways in which we can improve. He stated he would be glad to answer any questions they had on this.

SOUTHAMPTON COUNTY  
VIRGINIA

Southampton County  
28022 Administration Center Drive  
PO Box 400, Courtland, VA 23837



Phone (757) 653-3015  
Fax (757) 653-0227

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MEMORANDUM

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TO: Mr. Michael W. Johnson, County Administrator  
FROM: Jon M. Mendenhall, Assistant County Administrator  
SUBJECT: County Solid Waste Convenience Sites Training  
DATE: 7/16/12  
ENCL: SOP for Convenience Sites  
CC: File

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The Department of Public Works has instituted a standard operating procedure for the operation of Southampton County solid waste convenience sites and conducted in-service training on July 16, 2012. The primary topics discussed during this training were:

1. Standard operating procedure
2. More visible presence
3. Focus on the customer
4. Continuing to do a good job
5. Enforcement procedures
6. Ways in which we can improve

During the course of this training, public works staff received valuable feedback to help in making our process better. Coming out of training, the incident report form will be revised, additional focus on education (signage and publications) will be evaluated, and the Sheriff's Office will assist on enforcement needs as appropriate. Overall, the training was very productive and we look forward to continued operation of the solid waste convenience sites for the enjoyment of our residents.

Chairman Jones asked if anyone had any questions on this.

Supervisor Edwards said he thought this was terrific. He thought the administrator should be commended for the job he did on this.

Chairman Jones moved to number twelve – Miscellaneous.

Mr. Michael Johnson stated item A is Virginia water protection permit compliance. A Virginia Water Protection Permit was issued to the county in August 2009 by VDEQ to provide for the development of the Turner Tract. The permit obligates the county to conduct photographic monitoring of all construction activities to document that the activities are in compliance with the permit. Monitoring reports must be filed with DEQ monthly including a narrative stating whether or not the work was performed in a permitted impacted area, a description of the E & S Measures used to protect water quality, a written summary of any noncompliance and corrective action taken, a labeled site map illustrating all permitted impacted areas and the location of photo stations, and properly labeled photographs from each photo station. With Enviva's project expected to break ground this month, it was necessary to proceed with the pre-construction monitoring and photography in order to provide the required 10-day advance notice to VDEQ. Accordingly, I have executed an agreement with the Timmons Group to perform the pre-construction and monitoring and reporting for a six-month period – the fee is \$10,000.00. A copy of the permit and the agreement with Timmons are attached. The relevant permit conditions are highlighted in Section F.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

(757) 518-2000 Fax (757) 518-2102

www.deq.virginia.gov

L. Porter Boyd, Jr.  
Secretary of Natural Resources

David K. Taylor  
Director

Francis L. Duziel  
Regional Director

VWP Individual Permit Number 09-0270

Effective Date: August 27, 2009

Expiration Date: August 26, 2019

VIRGINIA WATER PROTECTION PERMIT  
ISSUED PURSUANT TO THE STATE WATER CONTROL LAW  
AND SECTION 401 OF THE CLEAN WATER ACT

Based upon an examination of the information submitted by the owner, and in compliance with § 401 of the Clean Water Act as amended (33 USC 1341) and the State Water Control Law and regulations adopted pursuant thereto, the State Water Control Board (board) has determined that there is a reasonable assurance that the activity authorized by this permit, if conducted in accordance with the conditions set forth herein, will protect instream beneficial uses and will not violate applicable water quality standards. The board finds that the effect of the impact, together with other existing or proposed impacts to surface waters, will not cause or contribute to a significant impairment to state waters or fish and wildlife resources.

Permittee: Industrial Development Authority of Southampton County, Attn: Mr. Mike Johnson

Address: P.O. Box 400, Courtland, Virginia 23837

Activity Location: The Turner Tract Industrial Park project is located on a 254-acre tract southwest of the intersection of State Route 688 and State Route 671 near Franklin, Virginia.

Activity Description: The permittee is authorized to permanently impact 7.21 acres of non-tidal emergent wetlands, 0.30 acres of non-tidal forested wetlands, 416 linear feet of stream, and 0.30 acres of open water, and temporarily impact 0.05 acres of non-tidal emergent wetlands to construct the Turner Tract Industrial Park. The project consists of approximately 2,000,000 square feet of warehousing, distribution, light manufacturing, mechanics, assembly, and office space with required infrastructure such as: minor road improvements to State Route 688, on-site access roads, parking, and stormwater BMP's.

The permitted activity shall be in accordance with this Permit Cover Page, Part I - Special Conditions, and Part II - General Conditions.

*Francis L. Duziel*

Francis L. Duziel

*Aug. 27, 2009*

Date

Chairman Jones asked if there were any questions on this.

Supervisor Updike said he had two questions on this. First question is how they came up with the agreement of \$10,000. He asked if there were any negotiations that took place. He wanted to know who came up with the figure of \$10,000.00.

Mr. Michael Jonson said there were negotiations that took place Supervisor Updike. The first number was \$12,500.00.

Supervisor Updike asked if that included this reimbursement of travel and outside consultants that they are going to hire.

Mr. Michael Johnson stated that there would be no outside consultants on this issue.

Supervisor Updike said if they hire outside consultants they would add fifteen percent on top of every expense such as printing. He asked if there were going to be any reimbursements on top of this \$10,000.00.

Mr. Michael Johnson said there could be some additional reimbursements, but there wouldn't be any additional consultants on this.

Supervisor Updike said well the agreement says they can.

Mr. Michael Johnson said he understands, but there wouldn't be. He stated that was just the standard language in the agreement. He said he understood what he was reading, but it wouldn't be because this was a service they were providing directly.

Supervisor Updike said there are quite a few items for reimbursement. He said he would give you an example. Take four hours of round trip at \$125.00 an hour and then they add fifteen percent on top of that which is \$700.00 or \$800.00 dollars you are right back up there.

Mr. Michael Johnson said he didn't think they would charge travel.

Supervisor Updike said well travel is listed here and we have seen travel in other bills that they have submitted.

Mr. Michael Johnson said if it required overnight. He said you are right.

Supervisor Updike said we need to keep a close eye on this and not give them free reign to submit any kind of bills they prefer.

Chairman Jones asked if there were any other comments.

Chairman Jones stated the next item was item B.

Mr. Michael Johnson stated that item B is a funding request from Paul D. Camp Community College Golf Tournament. They are asking you to support their upcoming golf tournament on August 10. The county has contributed \$500 each of the last several years. A contribution of \$300 will register a team of 4 players or \$500 will sponsor 1 hole and provide for 2 player slots if you decide to participate.

mikejohnson

**From:** Jessie Hobbs [JHobbs@pdc.edu]  
**Sent:** Tuesday, June 26, 2012 2:08 PM  
**To:** mikejohnson@co.southampton.state.va.us  
**Subject:** Partnership with Paul D. Camp Community College...we need your help!

Good Afternoon Mike,

I'm emailing you about our 2012 golf tournament to ask if you'd consider being a sponsor. I sure hope you do and here's why!

Paul D. Camp Community College Foundation is making plans for the annual PDCCC Golf Tournament. The success of this event is credited largely to our sponsors, who lend their names and financial support to the event. The money we raise each year goes to raise funds for student scholarships and staff and faculty needs.

By participating as a sponsor, your organization will benefit from extended exposure through media campaigns and promotional efforts directed toward the supporters of PDCCC Foundation. For your donation, you'll be able to enjoy excellent exposure to this important segment of your target audience.

We're counting on your support, and will be happy to answer any questions you may have. I have attached this year's brochure for your review!

Thank you in advance for your willingness to support the efforts of PDCCC Foundation and make a difference in our community.

Below are sponsorship levels available for the golf tournament:

<b>Platinum (Major): \$5,000</b>
Platinum sponsorship includes major event signage at the Tournament, inclusion in all advertising, 18 holes of golf for a team of eight, dinner, and carts.
<b>Gold: \$3000</b>
The Gold Sponsorship includes 18 holes of golf for a team of four, carts, dinner, and signage on the driving range.
<b>Silver: \$1500</b>
The Silver Sponsorship includes 18 holes of golf for a team of four, carts, dinner, and signs on the beverage carts.
<b>Hole Sponsorship: \$500</b>
All hole sponsors receive a hole sign, two player slots, and dinner.

Thank you so much~!

*Jessie*  
Jessie M. Hobbs

6/27/2012

Chairman Jones asked what was the pleasure of the Board.

Supervisor West stated that last year we were noted as the only local government area that participated and he recommended that some contribution be made. He said we don't have to play

golf Supervisor Updike. That will work for him. You choose the amount and you call the shots.

Supervisor Updike said he would like to see Supervisor West and three other individuals in the county pay their own golf fee and go to it. You pay your own fee at \$75.00 a person.

Supervisor Edwards said if you win the tournament we pay the fee; if you don't you pay it. He said he thought that was only fair.

Supervisor West said if you are calling my bluff sir I can do that. That is not a challenge. He recommended they pay \$500.00 to support our local Paul D. Camp Community College and we pay our own way if we want to play sir.

Supervisor Updike said as long as this Board is not paying for entertainment for employees.

Supervisor West said \$500.00.

Mr. Michael Johnson stated that the employees had never played Supervisor Updike.

Chairman Jones stated that only Board members and the Sheriff's Department.

Supervisor Updike said the Sheriff's Department plays and Supervisor West plays.

Supervisor Faison asked if it was a lost to the county if somebody decided to go play once the county had paid the fee didn't that cover it whether anybody played or didn't play.

Chairman Jones stated that covers it.

Supervisor West said it does; it's the principal that is involved here.

Chairman Jones said it was just a fund raiser.

Supervisor Porter said he thought last year you got four players and this time you get two. If you are going to play his recommendation was that you reimburse the county seventy five dollars.

Mr. Michael Johnson said which we had one person do last year.

Supervisor West said and that was Supervisor Porter.

Chairman Jones said let's do something with it.

Supervisor Faison said he certainly wanted to see us support it but he wouldn't be playing because he wasn't a golfer.

Supervisor Edwards said let's leave this up to the golfers here.

Supervisor Faison said he thought we should support them in some way.

Chairman Jones asked if he wanted to support the college and let the golfers pay for themselves.

Supervisor Edwards said that was a good idea.

Supervisor Phillips asked how they were going to support the college.

Chairman Jones stated they had been doing \$500.00 as this is a fund raiser for them. He asked if they were going to support them or not. He said say something; the clock is ticking.

Supervisor Faison made a motion that they support Paul D. Camp Community College to the tune of \$500.00.

Supervisor Edwards seconded the motion. He said maybe they would do something right tonight.

Chairman Jones was about to call for the vote.

Supervisor Updike said wait, there needs to be some discussion here. He made an amendment to Supervisor Faison's motion that anyone who played would reimburse the county to the tune of \$75.00. He does not feel that the county should be using the tax-payers money for somebody to go out and play and have a big meal. They should foot their own bill.

Supervisor West said he wasn't going to get in all the discussion. He said since he was playing golf he would pay his \$75.00.

Supervisor Porter seconded Supervisor Updike's amendment.

Chairman Jones stated the amendment was that we would pay \$500.00 to the college and anyone that plays golf would pay the county \$75.00.

Mr. Michael Johnson said you realize that you are still out \$200.00 if you do the math.

Chairman Jones said yeah you are still out.

Supervisor Updike said yes you are still out \$200.00.

Supervisor Porter said you only get two player slots so you are out \$350.00.

Supervisor West said he was not paying \$150.00.

Supervisor Porter said the county is paying the \$350.00.

Chairman Jones said we are donating it to the college. We are supporting the college, right.

Supervisor Porter said absolutely.

Supervisor West said what is the purpose of the money. It is for a scholarship. It is for a local who is unable to pay so those can get a scholarship in the area. It is a needed fund. It raises a significant amount of money every year. It is a free meal; you get a hamburger or a hotdog and you are sitting out there at the county club. It's real neat.

Supervisor Porter said it wasn't at the country club this year; it was at Sleepy Hollow.

Chairman Jones said the amendment is that the golfers would reimburse the county \$75.00.

Supervisor Porter said the two golfers included in the sponsorship would pay the county \$75.00 each.

Chairman Jones called for a vote on the amended motion which carried unanimously.

Supervisor West asked who was going to get this together. He asked if it was Supervisor Updike's plan to get it together.

Mr. Michael Johnson said you only have two.

Chairman Jones asked if there were any late arriving matters.

Mr. Michael Johnson said no sir.

Chairman Jones stated the next item on the agenda was the citizen's comment period.

Mrs. Phelis Hancock addressed the Board. She stated that she lived in the Capron district. She stated that she was also the volunteer chair for the Western Tidewater Regional Humanities Counsel which is composed of the historical societies, museums, independent researchers from the

counties of Isle of Wight, Southampton, Surry, Sussex, and the Cities of Franklin and Suffolk. They are incorporated with the Virginia Foundation for the Humanities which is based in Charlottesville, Virginia. VFH's purpose is to bring the humanities fully into Virginia's public light and assist the communities in their efforts to understand the past issues and the present to shape a promising future. She stated they were requesting a proclamation from the Board of Supervisors for the project which will take the state eighteen to twenty four months to complete. Their project will be a one hour long film documentary about peanuts in western tidewater. The story will illustrate a way of life that has sustained farm families for generations in southeastern Virginia and northeastern North Carolina. It will include not only agriculture, but also buying and marketing of peanuts. The film needs to be multipurpose because it will need to be historical, educational, and tell a good interesting story. She stated they will be submitting a grant to VFH around mid-August for phase one of the project. She stated phase one will include a film of history interviews with area peanut farmers, retired and present farmers, and peanut buyers and marketers. They will also include filming the fall harvest of peanuts and writing a treatment which is a detailed outline for a national film. The film interviews and treatments can be used to help raise funds for the completion of the actual documentary. Additionally area historical societies and museums will receive copies of the interviews and this will help them document the importance of peanuts for our region. As a role model they are using a highly successful film "Down in the Olde Belt – Voices From the Tobacco South". This award winning documentary has appeared on PBS and on June 5<sup>th</sup> they showed it to a number of peanut farmers, historians, and others at Paul D. Camp Community College in Franklin. It created a great deal of interest. They are currently being advised by the film producer and those involved in crop productions as well as the VF staff. The steering committee includes herself, Lynda Updike, and Paul and Peggy Simmons of Southampton County who are retired peanuts farmers, Sue Woodard who is a historian for the Nansemond/Suffolk Historical Society, Thommel Conner who is a peanut marketer from the City of Suffolk, Rex Alphin who is a local county government official and peanut farmer. She stated that they would appreciate a letter of support from the Board of Supervisors. She stated that on the back of her letter she had the address information for the Virginia Foundation of the Humanities and an e-mail if they had further questions. Short and simple, a letter of support on official stationery is all she asked.

Supervisor Updike said he thought it was a great idea.

Supervisor Phillips said at the time he would like to make a motion to make this proclamation. It is not going to cost the county anything and it could bring us some tourism in the future at some point. He thinks it would be a win/win situation and a good thing for us to do.

Supervisor Faison seconded the motion.

Supervisor West said we have a motion and he would second that.

Chairman Jones stated that he already had a second. He called for the vote in which the motion carried unanimously.

Chairman Jones asked if anyone else wished to speak.

Mr. Rick Francis addressed the Board. He stated he was Clerk of the Court and the reason he came tonight (and he apologized for using this time to discuss office business) to share with you his concerns about their records at least in the records room. He stated that Mr. Jackie Vick has been kind enough to work on their system. The heating and air conditioning system in the records room even though it is working at the efficiency that it is, apparently from what he understood from Mr. Jackie Vick (who can correct him if he misunderstood him) that the coil size is basically insufficient to handle the heat load that the room presents. As a result they have got a situation where temperatures are rising in there. More importantly to him is the humidity is rising in there. The Library of Virginia has set some guidelines or suggestions at least. The worst thing for them is that everything turns red when they see eighty degrees or sixty percent humidity. He said basically he was using one of the gizmos in the records room and they are coming up with about seventy seven or seventy eight point eight degree temperatures in the records room and today's humidity was fifty seven percent. Now it is thirty nine percent here and the Library of Virginia said it would be nice to have the record room to be between forty and forty five percent so what

we have got is a record room where the unit is just not able to keep up with it – the humidity in particular. There is nothing he can ask you to do about it tonight, but he wanted to make you aware of it because it is your records, my records, these people records, their grand-kids records. What we are doing in the meantime is we have a three foot fan in the doorway, the record room doors are open and he grants you it is a little vulnerable to fire he grants you with the steel doors open and a fan in the way, but he needs a response to the greatest threat that presents itself and he thought he was fighting a losing battle. He said he was going to bring a dehumidifier from his old office, but he didn't think they had enough breakers to spread out the load. He didn't think he had enough to satisfy a dehumidifier, but he just wanted to make you aware that they are testing it but they are losing the battle of keeping the humidity and the temperatures down in the records room.

Chairman Jones asked if anyone had any questions.

Chairman Jones asked if anyone else wished to speak.

Mr. Walt Brown addressed the board. He stated he had two concerns that he would like to express. He said first of all he was just so glad that we lived in a country where there was government for the people and by the people and that this flag was still waving. It is a deep concern to him that whenever leadership whatever level that leadership may be when they have a tendency to use circle away the power of the entity. He said he was saying this as it applies to the incorporated towns in Southampton County. It is our responsibility he believes to not only to know the competition but also to have a deeper understanding of the policies and competitions of the incorporated towns because they are a separate entity. He said he was sitting back here listening and he wasn't going to say anything but he had to because it's just not right to philosophy some way in an economic situation to the detriment of our incorporated towns. First of all you can't double dip. That is what we are doing. We have some towns that are actually picking up their own trash with their own equipment, etc. yet you are charging them a fee for trash so we are double dipping. He just wanted to say you can't philosophy a way with that. If there is an agreement it is binding and he thinks it is binding to a point of law. I think if you research that you will find out the agreement was made on behalf of Southampton County whether or not you were sitting on the Board at the time or not just like our constitution is binding to us even after the surrender of Cornwallace in 1781. That is binding. Whether you were here or not in 1781 it is still binding. Whether you were sitting on the Board in 1984 and 1988 it is still binding. Our incorporated towns are being penalized because there was a lack of understanding of the legality associated with incorporated towns. His second concern is this. He approached this Board prior to the \$200.00 trash fee in reference to the outlet this Board had. He said he made a recommendation. He gave you all of the states and all the names of the timber bearers who are leaching on this county at the amount of \$1.5 million dollars. No one on the Board addressed that and why he did not know. We have timber bearers in Mississippi, Alabama, Georgia, Tennessee, and California to include other states outside of Southampton County that are paying a \$1.5 million relieved tax because they have their land in land use. This Board has three options. The first option is that you can just do open land for farmers and you cannot put woodland in land use. The second option is you can do woodland in land use and not do open land for farmers, or you can do both. This Board decided to do both, however, it is an infringement on the taxpayers of the county in the amount of \$1.5 million dollars and it is time for somebody to bite the bullet and look at it. We cannot philosophy over the economic condition of this county whenever we infringe upon another entity such as our incorporated towns. He thanked them for the opportunity to speak.

Chairman Jones asked if there was anyone else wishing to speak. There being no one else wishing to speak he closed the citizen comment period.

Chairman Jones stated that it was necessary to have another closed meeting.

Mr. Michael Johnson stated that at this time it was necessary to have a closed meeting in accordance with 2.2-3711 (A) (29) Code of Virginia, 1950, as amended to discuss the scope of a contract pertaining to future solid waste disposal where discussion in an open meeting would adversely affect the negotiating strategy of the Board.

Chairman Jones stated they were back from closed session and asked for the certification resolution to be read.

Supervisor Edwards read the certification 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.**

**Supervisor Edwards made a motion to go back into open session.**

**Supervisor West seconded the motion which carried unanimously.**

**Supervisors Voting Aye: Dallas O. Jones  
Barry Porter  
Glen Updike  
Carl J. Faison  
Alan Edwards  
Ronald M. West  
Bruce Phillips**

**Supervisors Voting Nay: None**

Chairman Jones stated that we are now back in open session.

There being no further business the meeting was adjourned.

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Dallas O. Jones, Chairman

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Michael W. Johnson, Clerk







