

At a regular meeting of the Southampton County Board of Supervisors held in the Board Room of the Southampton County Office Center, 26022 Administration Center Drive, Courtland, Virginia on October 24, 2016 at 6:00 PM.

SUPERVISORS PRESENT

Dallas O. Jones, Chairman (Drewryville)
Ronald M. West, Vice Chairman (Berlin-Ivor)
Dr. Alan W. Edwards (Jerusalem)
R. Randolph Cook (Newsoms)
Carl J. Faison (Boykins-Branchville)
Barry T. Porter (Franklin)
S. Bruce Phillips (Capron)

SUPERVISORS ABSENT

OTHERS PRESENT

Michael W. Johnson, County Administrator (Clerk)
Lynette C. Lowe, Deputy County Administrator/Chief Financial Officer
Beth Lewis, Community Development Deputy Director
Julien W. Johnson, Jr. Public Utilities Director
Richard E. Railey, Jr., County Attorney
Amanda N. Smith, Administrative Assistant

OTHERS ABSENT

Chairman Jones called the meeting to order.

After the Pledge of Allegiance, Supervisor Faison gave the invocation.

Chairman Jones stated that the first item on the agenda is a closed session.

Mr. Michael Johnson stated it is necessary for this Board to now conduct a closed meeting in accordance with the provisions set out in the Code of Virginia, 1950, as amended, for the following purpose:

- 1) In accordance with Section 2.2-3711 (A) (5), Discussion with the staff from FSEDI concerning prospective businesses or industries or the expansion of existing businesses or industries where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; and
- 2) In accordance with Section 2.2-3711 (A) (1), Annual evaluation of the performance of the County Administrator.

A motion is required to convene a closed meeting for the purposes described above.

Chairman Jones asked if he could get a motion to go into closed session.

Supervisor West made a motion to go into closed session.

Supervisor Edwards seconded the motion which carried unanimously.

Chairman Jones called the meeting back to order and stated at this time we will have the certification resolution.

Supervisor West read the certification resolution to go back into open session.

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 West made a motion to adopt the certification resolution.

Supervisor Faison seconded the motion which carried unanimously.

Chairman Jones states we are now back in open session. We took no action in our closed meeting. At this time it is citizen's comment period.

Mr. John Burchett addressed the board. Good evening. I am looking at the agenda and it looks like it is going to be kind of boring compared to the last two months, but I am sure that is okay with you all. If you remember, or if you don't remember, back then during the budget process I questioned about the cigarette tax. It is almost November. The Virginia General Assembly will be meeting in two or three months. You said you had to have state approval. I am hoping that we are going to request; start the process of getting authorization to generate a cigarette tax in Southampton County. We are, and you all know, deeply in need of revenue. And, it will probably be worse with the state budget shortfall. But anyway, this could be a big deal. Money wise, I looked at Franklin's budget. Their cigarette tax is 60 cents. Now, if I looked at something wrong I apologize but this is what I saw. Their cigarette tax is 60 cents. It generates an average of \$350,000 a year. Their population is a little over 8,000. We have double the population. This could be a significant revenue generator. I am hoping you all will request our representatives in the General Assembly to pursue this.

Mr. Richard Railey states you have to have enabling legislation. John has conceded that you have to have enabling legislation.

Mr. John Burchett states that is what you said back in May or whatever, when we were doing the budget. Anyway, this could be three or four cents. To say the least I think we need some repairs done on this building and the schools' roofs are falling in. So, anyway, thank you.

Chairman Jones states thank you very much sir. Anyone else?

Mr. Jason Fowler addressed the board. Good evening. My name is Jason Fowler. I live in Courtland and I am going to speak in regards to the Courthouse relocation. I would like to know if the county has documented the minimum upgrades necessary in order to bring the existing Courthouse into compliance. Not the wish list that was presented in the original study but the minimum requirements to satisfy Southampton County's security, health, and case load needs. Before the security issues, has it ever been documented that space was a problem? The courts seemed to have worked through scheduling issues in the past. What has changed so drastically that we need an entirely new facility? In reference to the matters which deemed the courthouse inadequate such as health, security, and efficient layout, etc. The code of Virginia states the existing facility shall be considered in relationship to their location and the extent of their use. Their failure to move any of these general considerations shall not necessarily be deemed to cause for determining them inadequate. In other words, all cases are different. What works in Isle of

Wight County may differ from what works in Southampton County. A lot of reference has pointed back to Virginia Courthouse Facility Guidelines. Virginia Courthouse Facility Guidelines are just that; guidelines. A quote from the Court Works website which is the company hired by the county to perform the initial analysis reads why would the National Center for State Court, Mr. Hardenbergh, prepare facility guidelines for the executive officers of any court of Virginia that were designed to help Virginia's courts and local governments plan and design better court facilities. These guidelines included steps for planning a courthouse and specific design recommendations but were not intended to set minimum standards. If the county was flourishing, sure it would be nice to have a modern day court facility. However, this comes with a cost of approximately \$25 million. The City is expected to pay approximately 30%. That still leaves \$17.5 million. The fact is the county cannot afford a new courthouse. Any savings will help reduce the county's financial burden in the future. Thank you for your time.

Chairman Jones states thank you.

Supervisor Edwards states the only thing that I would like to add if you would like to hang on until later tonight we are going to get to some reports on that. We might answer your questions for you.

Chairman Jones states anyone else?

Mr. Glenn Updike addressed the board. I am Glenn Updike from Newsoms. I just have a few things. I see you have turned your clock on tonight. One is, I heard rumors. It might just be rumors. The people who are in charge of the courthouse are Moseley Architect for the architect and for the consultant, again here is Timmons Group. I think your memory should be sharp enough to remember four years ago, we had a county committee of respected citizens like Ash Cutchin and Jimmy Lee; people like this, we had eight of us on that board. We reviewed ten different applications from different consultants on different types of projects. And, I have you know, and I think you should have looked at the effort, it was voted unanimously to accept the recommendation of the citizens' group. How in the world have the citizens been ignored for the last six months? How in the world can you continue to ignore the citizen's input? They said we do not want any more Timmons Group. They were the highest and they have gyped... I will put it bluntly, the county out of a half a million dollars on the Boykins Treatment Plant. A couple hundred thousand on the Turner Tract. And, how can you turn around and rehire them as a consultant and the people in the county has put them on the no-hire list. That is not only poor business; it is just a slap in the face for every citizen that has served on this committee. It is like you all have never voted to put them back on the top of the list for consultants. It looks like to me good old boys are looking after good old boys. The heck with what the citizens want or say. You all passed...

The timer sounds off.

Chairman Jones states anyone else.

There was no response and the citizen comment period was closed.

Chairman Jones states we will go to number five, approval of the minutes. Do you have any questions on the minutes? If not, the minutes will stand approved. We will go to number six, highway matters.

Mr. Michael Johnson states item A, Mr. Chairman, relates to the 2016 Fall Transportation meetings. The Commonwealth Transportation Board has announced its schedule for public meetings across the state to provide stakeholders an opportunity to review and comment on transportation projects and priorities. The meeting for the Hampton Roads Region is scheduled for Thursday, November 10 beginning at 4:00 p.m. in The Regional Building, 723 Woodlake Drive, Chesapeake. The purpose of the meeting is to highlight 436 project applications that were submitted by 148 local and regional governments. Collectively they are seeking \$9.25 billion in state funding. Just so you know, Southampton County did not submit any projects this year. This was the source of funding that we submitted last year for the Route 671 signalization project, and work on that project is currently under design and is expected to be complete in 2017. We really didn't have any projects that would qualify for this source of funding this year. Projects under the SMART SCALE process which used to be referred to as House Bill 2 either have to be located on

October 24, 2016

a corridor of statewide significance, along a regional network, in an urban development area, or address a specific safety need adopted in the Commonwealth's VTRAN 2040 plan. Typical secondary roadway projects are not able to compete for these funds. We have a project that we think we may have working for next year, but at this point we didn't have any that were ready to submit this year.

Chairman Jones states alright, monthly concerns, Mr. West.

Supervisor West states I have one. Mr. Johnson, I really haven't taken it up with Mr. Bryant. This rain event that we had three weeks ago was so severe and the growth along the shoulders and in the ditch banks and on the top of the ditch banks were so high. I know it has been a wet summer, but that being said they came in and cut it just before the event and it filled up the ditches. Every culvert in the region had problems taking water. But, the mowing is a problem. Two and three times a year, I don't know what is necessary and I don't know what is budgeted, but I was really concerned and the reason I say this concern is not only did it back up into my yard where I have never seen it backed up before, but in many other people's yards, in the roads, and other places. All because the ditches themselves were full of cut/mowed debris and it went to the culvert and jammed it up, stuck it up; water wouldn't flow. And, obviously it can't go into the outflow ditches and outfall ditches. You know, you have a bed of roadway that collects water. It is a problem and I just wanted to express it. Is it anything that anyone else feels the same about it? I wasn't comfortable with any of it.

Supervisor Edwards states it is a countywide problem if you look at all of it. If you look at it, we average about 50 inches of rain a year. We have already gotten 68.

Supervisor West states no 37 is the average, but anyway, go ahead.

Supervisor Edwards states well, I think 48 is what we had last year, but we have gotten something like 66 inches of rain so far and that makes it hard to keep up with the mowing. I agree, I don't know how much is budgeted. The ditches over my way are full. The culvert pipes are stopped up and full. I know VDOT is stretched with their budget. They have to watch their budget very carefully. I don't think they have a lot of extra money.

Supervisor West states 200 and something thousand dollars plus maintenance fees. Wasn't it 217 or something like that? Do you remember? I mean, it was a very minimal amount. And, it is just this particular event was so great; the rain was.

Chairman Jones states it is just all over the county.

Supervisor Cook states yes and it is not just Southampton County. It is southeastern Virginia and even north Richmond they have some problems. They do have some plans to try... because you are right it was a perfect storm. They cut the grass right before the event. But, they are still fixing some road wash outs and things as of now. I talked to Ben two or three times last week. They are aware of this and do have some plans to get to working on it. It won't be fast.

Supervisor Edwards states is VDOT able to get any emergency funds?

Supervisor Cook states umm, I don't know... this was not declared.

Mr. Michael Johnson states an application is pending and I know that FEMA and Department of Emergency Management were down Saturday a week ago to survey the road damage in Southampton County and include that in the application for federal assistance. At this point, I am not sure if the Governor has already signed off and it has been forwarded to FEMA yet or not, but that is the process.

Chairman Jones states Mr. Faison do you have anything?

Supervisor Faison states no.

Chairman Jones called on Supervisor Porter.

Supervisor Porter states no.

Chairman Jones called on Supervisor Cook.

Supervisor Cook states no.

Chairman Jones called on Supervisor Edwards.

Supervisor Edwards states no.

Chairman Jones called on Supervisor Phillips.

Supervisor Phillips states no sir.

Chairman Jones states on Green Plains Road that hole is washed out even more. It is right at the stop sign.

Mr. Michael Johnson states okay.

Chairman Jones states let's go to number seven, appointments; Mr. Porter.

Supervisor Porter states I would like to move that we appoint Mr. Bob Wolfe to the Litter Control Council.

Supervisor West seconded the motion which carried unanimously.

Chairman Jones states we will go to number eight, reports; Financial Report, Sheriff's Office, Animal Control, Litter Control, Building Permits, Blackwater Regional Library, Cooperative Extension, Solid Waste Quantities, Personnel, Mr. Johnson.

Mr. Michael Johnson states just one item to report Mr. Chairman. We had one new hire during the month effective October 1st in the Sheriff's Office, Benjamin Ryan Kent Thorpe, annual salary \$35,213.

Chairman Jones states Shared Revenue Services. Who is going to speak?

Supervisor West states we haven't met have we? We are meeting Wednesday night.

Supervisor Porter states we are meeting Wednesday night and we plan to try and finalize the proposal for sharing an HR Director with Franklin, and bring that proposal back to this board next month. And, this is in response to the new Federal Fair Labor Standards regulations which we don't have anyone who understands the new regulations. They are very complex. I believe they become effective December 1st so we need to get on this immediately to make sure we meet the requirements of the law. We could end up with a big fine if we don't.

Supervisor Edwards states where do we stand as far as the beginning and the end of the process.

Supervisor Porter states we are working with Franklin to establish the criteria for the position and how we share the position. We hope to finalize that Wednesday night which means hopefully, we will bring back to this board next month. Once we get approval from this board we will begin recruiting for the position.

Supervisor West states and their need will appear to be greater than ours as far as this HR person. Again, if we share the courthouse potential it will be some sort of representation as well from this.

Chairman Jones states Courthouse Planning Committee, Dr. Edwards.

Supervisor Edwards states well I will start out by saying this has become more of a complex issue than originally thought. Mr. Johnson here has been heading the committee and doing a lot of work. I have to commend him for that. Everybody knows it is thirteen members on the committee. We have met just about every two weeks since August. We started out with potentially nine sites and

we have narrowed it down to two the last meeting. The price was initially proposed to us by several consultants around \$15 million. That price may have gone up to \$20-\$22. That is something to think about, so we haven't ruled out renovating the old courthouse and we have asked for another evaluation of that. I would say initially everybody was going towards a new courthouse and now we are taking a step back and looking at the old one again. So, to answer your question we are going to look at that again very seriously. The renovation issue is not dead. We are working with a timeline to get through here by the first of the year and set up if we go with a new courthouse for a referendum in May 2017. If we don't build a new courthouse, we don't need a referendum. If we build on the same site/renovate on the same site we don't need that. I will ask Mr. Johnson if he would like to add anything to that.

Mr. Michael Johnson states I think you covered it very well.

Chairman Jones states any questions for Dr. Edwards. Does any board member have a question? Alright, thank you sir. Mrs. Carr do you have anything?

Mrs. Amy Carr states no sir.

Chairman Jones states alright, we will go to number nine, financial matters.

Mr. Michael Johnson states included in your agenda package, Mr. Chairman, you will find a copy of the FY 2016 year-end unaudited overview. It is still certainly in preliminary form, but the news is encouraging. Overall, revenues exceeded expenditures in FY 2016 by approximately \$766,700. That amount will be added to your unappropriated general fund reserve. The new general fund reserve balance at the close of FY 2016 is now projected to be slightly less than \$5.5 million. The Government Finance Officers Association (GFOA) recommends, at a minimum, that local governments, regardless of size, maintain an unrestricted fund balance in their general fund of no less than two months of the regular general fund operating expenditures. So, when you think about your annual budget, two months equal about 16.67% of the general fund budget. I have included in your package a quick table for you to see what your general fund budget is of your total budget. Your general fund budget and all of the appropriations that you make with local funds to Schools, Social Services, and what you transfer to your Enterprise Fund and your Building Fund equal slightly less than \$32.5 million. With a fund balance projected at almost \$5.5 million your projected fund balance percentage is currently about 16.83% which is right on the GFOA recommendation. I did include at your places tonight a graph to show you what the general fund reserve balance has done over the last 20 years. And, certainly you all can see we are in a very favorable trend right now with regards to that fund balance over the last two years.

Chairman Jones states alright, any questions?

Supervisor Phillips states I would like to...

Chairman Jones states yes sir.

Supervisor Phillips states to address the bridge loan that we have had to have over the past couple of years. Are we any closer to... are our reserves any closer to that point where we will not need that.

Mr. Michael Johnson states they are closer but you are not there.

Supervisor Phillips states and just for our edification what would we have to be if we are at 16% to achieve...

Mr. Michael Johnson states you would probably need to be a little over 20% to avoid that bridge line; just based on the timing of your cash flow and debt service payments.

Supervisor Phillips states okay.

Mr. Michael Johnson states and keep in mind that it is not a budget problem, it is a cash flow problem and that can be solved with twice a year collection.

Supervisor Phillips states I remember that. I mean I do remember that.

Mr. Michael Johnson states okay.

Supervisor Phillips states thank you.

Chairman Jones states okay, the next item is B. We have to pay the bills.

Supervisor West states I have had time to review what I can do, and I know they have been audited and checked more than once. I will make a motion to authorize payment of the monthly bills.

Supervisor Edwards seconded the motion to pay the bills in the amount of \$1,756,297.25 to be paid by check numbers 149268 through 149636. The motion carried unanimously.

Chairman Jones states let's go to number ten.

Mr. Robert Fry addressed the board. My name is Robert Fry. I am with Western Tidewater Free Clinic and I thank you for giving me an opportunity to speak with you tonight. In 2007, we opened the doors. Next year we are going to celebrate our first decade of operations. I have given you a sheet that gives you some demographics, but I want to speak more specifically about Southampton County and how that fits in to what you are looking at there. Over 4,300 unduplicated patients in that first 9 years and 107,000 medical and dental visits. So, we have been very busy. Over \$27 million in prescriptions handed out with no fee to our patients. 55% of our patients come from Suffolk, 23% from Isle of Wight, 13% from Southampton County, and the balance which is 9% comes from Franklin. Our cost per patient a year is about \$1,225. That equates to about \$95 a visit. I think you will find that is pretty comparable with the costs you encounter when we go to see a doctor. As to just so far this year; through September 30, 2016, we have had 1,223 residents of patients, unique patients. And then, 13,417 visits. So, you see our patients are pretty ill, chronically ill. But, we also have almost equaled in these first nine months what we did last year total. How does that relate to Southampton County? Of those 1,223 patients, 155 came from Southampton County; 1,751 visits. And, 44 of those patients also received 150 dental visits. So, Southampton County residents served; 144 patients through the end of last year. So, we are at 155 so far. The first nine months we are already serving more than we did last year in Southampton County. 58% of our patients are at 100% of the poverty level or lower. Growth in 2015, we brought on an electronic noble network system. Anybody that has ever done any kind of enterprise computer system knows how painful that is. It was painful to us. We lost a few nurses along the way. It has been a struggle but we are coming through like all corporations do. We do have mental health services that now our patients can receive. And, on top of the dental care that we started last year, we now have on-site vision care. So, our patients can now have their eye site taken care of. Last year when I was here, I told you we had just hired April Foster as our lead physician. She is doing a really great job. She has a lot of compassion for the patients. Her heart was ignited on fire when she went to Haiti and served the people of Haiti. She came back to us and helped out with people that were very critically ill. I have just a couple of minutes. I am going to share with you a story about CB. CB is a patient who came to us from Carrsville, Virginia. She is 62 years old and she has spent her life in the agriculture business. So, she used to farm. As a farmer, she had exposed herself to something for many years. When they first saw her, Dr. Foster saw that she had a hypertension problem. So, she attended to that. I want to give you a picture. I don't have many so you can pass them around. CB had a growth on her nose. Dr. Foster examine that and said it didn't look good. She took as much as she could out. Sent it out for some pathology and found out that she had cancer. So, the cancer was so deep it was beyond our ability to remove it surgically. One of the lead nurses started calling providers and found a provider that would take her on. Worked out a way for her to get services at a highly reduced cost and a payment plan Ms. CB could afford. She has since, in that picture you will see, she actually had a bridge of skin from her forehead down to her nose. That was to keep the flow of blood continuous while she healed. You can see now she looks pretty much back to normal. I guess the message in all of that is while we offer general services, sometimes our patients exceeds our capabilities. And, we have to reach out and try to find somebody else that can help that patient. None of that is possible without the support that you have been giving us over the years. I am here tonight to tell you thank you very much. Last year you provided us \$9,000 worth of funding, and I hope that you would see that \$9,000 is going to good use in our clinic.

October 24, 2016

Chairman Jones states thank you. Does any board member have any questions?

Supervisor Edwards states I have a comment. I think your services are very good. You do a good job. I want to comment about our Affordable Care Act. You are actually treating more people than you did ten years ago, okay.

Mr. Robert Fry states yes sir. We believe we are hitting about 20-25% of those that we could see. So, there are a lot of people out there. We have 160 people on our waiting list wanting services. They just need affordable services. Thank you very much.

Chairman Jones states we will go to number eleven, voting credentials.

Mr. Michael Johnson states Mr. Chairman, in your agenda you will find a copy of correspondence from the Virginia Association of Counties regarding the voting credentials for the 2016 Annual Business Meeting which will be held on November 15 at 11 a.m. in Bath County. It is necessary for the Board to authorize a delegate to cast its votes. Chairman Jones has made tentative plans to attend.

Supervisor West states Mr. Johnson I will speak on Mr. Jones' behalf. He is a regular in doing this. I would say that he will represent us well. I will make a motion that we appoint Chairman Jones as our voting delegate.

Chairman Jones states we need a second for that.

Supervisor Edwards seconded the motion which carried unanimously.

Chairman Jones states alright, we will go to number twelve, designation of surplus property.

Mr. Michael Johnson states there is a resolution in your agenda, Mr. Chairman that would declare a 2007 Dodge SUV and a 2006 Mercury SUV surplus property and it would further authorize the Sheriff to dispose of these vehicles at public auction.

Ms. Barbara Story spoke from the audience. She states when is this going to take place.

Supervisor Porter made a motion to adopt the attached resolution.

Supervisor Edwards seconded the motion which carried unanimously.

Chairman Jones states we don't have any idea. Mr. Britt takes care of that doesn't he?

Mr. Michael Johnson states Sheriff Stutts will take care of it. Typically he does it at Bert Blythe's sale.

Chairman Jones states okay. Alright, it will be at Bert Blythe's sale whenever that is.

Supervisor Phillips states he just had one a couple of weeks ago.

Mrs. Lynette Lowe states I think the next one is in January.

Chairman Jones states it is another one coming in January. Alright, we will go to number thirteen.

Mr. Michael Johnson states Mr. Chairman on October 12 we received competitive bids for repairing, reconditioning and painting the water tanks in Branchville, Newsoms, and the Southampton Business Park. The bids were highly competitive. We received six of them. The lowest bid of \$311,200 was submitted by Utility Service Co. out of Perry, Georgia. Utility Service Company has a service center in Madison, North Carolina. They currently have several other tanks in our region under contract including some in the City of Franklin. I have gone ahead and sent out the Notice of Award and a copy of the agreement for their review in order to go ahead and get the ball rolling. What I am seeking tonight is your authority to enter into contract with Utility Service Co. You may recall that we borrowed \$300,000 last year for this specific purpose. That \$300,000 loan will be repaid over the next ten years. Our Department of Public Utilities will match the

\$300,000 in loan proceeds with an additional \$11,200 out of their operating budget to fund the work. Your FY 2017 Enterprise Fund budget includes \$34,440.56 to cover the debt services this fiscal year.

Chairman Jones states alright gentlemen.

Supervisor West states well I think we planned for it, and I think the money is there. I would make a motion authorizing the County Administrator to execute the attached agreement with Utility Service Co., Inc.

Supervisor Phillips seconded the motion which carried unanimously.

Chairman Jones states we will go to number fourteen, request from the Planning Commission.

Mr. Michael Johnson states as you all requested at your March 28 regular meeting, the Planning Commission recently discussed potential amendments to the zoning ordinance as it relates to the keeping of horses. There appears to be a consensus among Planning Commissioners that regulations similar to those currently in effect in Isle of Wight County may effectively address the concerns presented to you earlier this year by Mr. Gary Cross. Isle of Wight currently requires a minimum area of two acres for a private stable and no more than one horse per acre of fenced pasture, excluding one acre for the residence on any lot. Before they proceed with the required public hearing to consider amending the zoning ordinance, the Planning Commission is seeking your feedback. As your liaison to the Planning Commission, Dr. Edwards may have some additional comments.

Supervisor Edwards states we don't know much. It turns out that nobody on the Planning Commission knows anything about horses. Isle of Wight... we looked at this as a proactive thing instead of a reactive thing. We see this probably coming. Isle of Wight had a problem with it. We haven't really had a lot of complaints about it that I know of. I am not sure the one horse per acre is the answer. You could have pasture changes from summer to winter. During winter, maybe one acre is not adequate. I think what we need tonight is some recommendations and directions from the board to tell the Planning Commission to research it and take a look at it.

Chairman Jones called on Supervisor West.

Supervisor West states I heard what he said and I do see it as a future problem, and I do see many more people coming in from outside of Southampton County and setting down on a small two, three acre lot and the next thing you know there are three horses in the front yard and all over the yard. I know that is a hope or a desire or an expectation, but there should be criteria in place. I do think that. And also, you read in the paper everyday about horses that are neglected and have health issues and are underfed. And, you see the situation there. So, I think it is a task that the Planning Commission should look at. That is my personal opinion.

Supervisor Edwards states we don't have any way of reporting instances except... we don't have a policeman that goes around and reports all of these things.

Supervisor West states no but I know issues with Mrs. Lewis that there are problems in the county and neglect of a property, automobiles here, and things like that. People passing by, I don't want each person in this room, and Mrs. Lewis please understand that it is 562-1003. Tough, but it is important to know these things, and it is important to report it when you see an animal taken advantage of. People should not do that. Three horses on one acre, I don't know if that is good or not. I don't know that much about a horse myself, but I see a lot of people with horses now.

Chairman Jones states three horses are not good on one acre.

Supervisor Phillips states certainly, depending on the time of year. The Planning Commission, horses will be limited to the A-1, A-2 zoning. Nothing in the R-1 or RR?

Supervisor Edwards states you should ask Mrs. Lewis about that.

Supervisor Phillips states but, I mean... is that... you just had...

Supervisor Edwards states I don't think you can get a conditional use permit for a horse in a residential. I am not sure.

Supervisor Phillips states at our Planning Commission maybe.

Chairman Jones states Mrs. Lewis could you come up.

Supervisor Edwards states ask Mrs. Lewis to come up and enlighten us on that.

Mrs. Beth Lewis states in today's ordinance in the A-1 and A-2 zoning district you don't need any conditional use permit. You don't need any permission to have any kind of livestock. The only regulation is how far the housing for the livestock which is called a stable in the zoning ordinance; how far it has to be from the property line. It requires that the stable be 100 feet from the side and rear property lines in the A-1 and A-2 zoning districts. But, you don't need any special permits or a conditional use permit for livestock because it is an agricultural zoning district. In the R-1 and RR which is single family and rural residential, you need a conditional use permit for any livestock, and the stable still needs to be 100 feet from the side and rear property lines. They would need a conditional use permit for the stable in R-1 and RR and for the livestock itself in R-1 and RR. That is today.

Chairman Jones states any questions?

Supervisor West states can the fence enclosure, the actual fence, be within how many feet of the residence.

Mrs. Beth Lewis states today there is no regulation as to the location of the fence. We do not issue any permits for fences.

Supervisor West states it is an issue on a home on Seacock Chapel and there are cows coming up no further from me to that wall because of the pond of water, defecating and doing all around and everywhere in that area right up to the fence. It is a nuisance to the neighbors who was there to begin with. And, then the particular property that I speak of has cows and it is some sort of a co-op that you buy into; the cow and you get your milk, but there are probably about fifteen cows, and I am going to guess on that three or four acres max. I know that being said with hay and the normal feeding, but as far as a pasture is concerned that will not sustain both animals, no way. Summer time, great crop or winter time, dead crop.

Mrs. Beth Lewis states there are no required setbacks for fences or cows or livestock because livestock is not permanently fixed to the ground. So, the only way you can keep them away from the property line is to fence them away. It is important to note, at the Planning Commission there was talk about horses in the front yard.

Supervisor West states well it is true right on Black Creek Road.

Mrs. Beth Lewis states the zoning ordinance has a required front yard which is a 50 feet setback and then there is in front of the house. Some people have a 5 or 10 acre lot. Their house may be 400 feet from the road. And, to the typical person everything in front of the house is the front yard. So, there was discussion as to whether there should be a restriction against livestock in the required front yard which is 50 feet from the right-of-way, or in front of the house. So, those are things that the Planning Commission needs to discuss. But, I might want to make clear that if people see animals that are being mistreated, abuse, and neglected that is animal services. That is not...

Supervisor West states right and I don't think you have a concern with what I am talking about but I am just saying I can give you two examples. They are at least what David, 150 feet max. It might be 100 feet off the road, isn't it?

Mr. Richard Railey states actually it is not animal services, it is a crime. You should call the Sheriff's office if you see an animal being mistreated. It is a serious crime.

Supervisor West states yes, but I am not talking about mistreating, I am just talking about going

back to the original question and Dr. Edwards noted that the Planning Commission had little or no experience or knowledge of what to do. I think that is what he said.

Supervisor Edwards states yes, we plan to...

Mrs. Beth Lewis states there is no horse expert.

Supervisor West states but this problem is getting more of a problem and there are more people coming from outside that, and I call them, use to be the word farmette. It is still that type of thing and the horse is in the front yard.

Chairman Jones states the barn or stable is in the front yard also.

Mrs. Beth Lewis states no, accessory buildings are not permitted in front of the main structure.

Supervisor Porter states we are not trying to establish regulation. What we are trying to do is give guidance to the Planning Commission right?

Mrs. Beth Lewis states that's right.

Supervisor Porter states in terms of whether or not we support these types of regulations, and I think from my view point, everywhere that I have lived they had these types of regulations. Whether it was Fairfax, Prince George County, Prince William County, or even Isle of Wight County and I think it makes a lot of sense because I think it does two things. One is they are supporting the health care of the animals and two they are trying to protect the community from having unrealistic neighbors. I support further exploring this approach in coming up with some guidelines or regulations for the ownership of horses in this area.

Supervisor Edwards states it is better to be proactive than reactive.

Supervisor Porter states absolutely.

Supervisor Edwards states start cleaning house and getting these ordinances right with what we need.

Supervisor Porter states is that what the Planning Commission wants. That kind of feedback?

Mrs. Beth Lewis states yes and is it only horses or is it cows as Mr. West was talking about or is it livestock in general?

Supervisor West states a cow is as big as a horse.

Mrs. Beth Lewis states right.

Supervisor West states and takes up as much space and does the same type of thing.

Mrs. Beth Lewis states right. That wasn't the original request and that's not what I have seen in other regulations in other counties. It has only been horses. So, do you want the Planning Commission... it seems if it is the desire to not have livestock grazing in front of the house closer to the street than the house then that is what the ordinance needs to be crafted to say. Understanding that some people's houses are hundreds of feet from the street. There may be people who have horses in front of their house closer to the house than the street; closer to the street than the house. But, accessory structures cannot be in front of the house. The ordinance already says that. So, any stable would have to be behind the house.

Supervisor Edwards states you are not concerned with residential areas. These are not R-1?

Mrs. Beth Lewis states no sir these are not R-1.

Supervisor Phillips states if you are doing a review I would think it would be prudent to look at all things that may be a concern while you are there. If it would include livestock in general that is

what...

Supervisor Porter states I think one of the things I agree with you personally but I think fundamentally to get some things done on a timely basis maybe we need to look at pieces at a time. There is probably enough information out there about regulations on horses that we could wrap that one up with minimal disruption. I think there is less information there about other types of livestock and that may require more investigation. Because, you have to be careful when you are dealing with other livestock that you are not handicapping legitimate farmers.

Supervisor Edwards states let's get the horses done.

Chairman Jones states thank you Mrs. Lewis. Alright gentlemen, I need a motion to direct this to the Planning Commission to do a study on horses.

Supervisor Phillips made a motion to refer this back to the Planning Commission for continued study and recommendation on zoning ordinances for horses.

Supervisor Edwards seconded the motion which carried unanimously.

Chairman Jones states let's go to number fifteen, miscellaneous.

Mr. Michael Johnson states just a couple of items to report Mr. Chairman. I had tentatively set up the first meeting of the No-Wake Zone Task Force for Tuesday, November 1, at 5:00. I did send out correspondence to all of the task force members last week. I have subsequently found out that two of the five members have conflicts so we will need to reschedule that. We will probably be looking at the following week; the week of November 8th moving forward. Item B, Office Center Roof. I shared with you all by email on September 30th that we are moving ahead with development of plans and specifications to re-roof this building. We hope to have bidding documents ready by the second week of November, receive the bids by the end of November, award the project in early December, and hopefully complete the work by mid-January before the weather gets really bad. These two tropical rain events that we had in September really pointed out the fact that this roof is not going to make it through another winter if we get a significant snow storm. We are going to have some fairly serious damage. So, we need to move forward with this project.

Chairman Jones states alright, does anyone have any problems with that. Alright, let's go to item C.

Mr. Michael Johnson states item C is just the normal notices. Environmental notices and the routine foreclosure notices. I will be glad to answer any questions.

Chairman Jones states anyone have any questions. Any late arriving matters?

Mr. Michael Johnson states no sir.

Chairman Jones states does any board member have anything to come before this board. If not, meeting adjourned.

There being no further business for tonight the meeting adjourned at 7:54 p.m.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk