

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 May 23, 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) (7), Consultation with legal counsel employed or retained by the public body regarding specific legal matters associated with removal of construction and demolition debris from the former H.P. Beale Packing Plant.

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 Phillips 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 there was no action taken in the closed session. We only did what was on the agenda. At this time, we will have citizen comment period.

Jane Riddick-Fries addressed the board. Hello, my name is Jane Riddick-Fries and I live at 30319 Camp Parkway Courtland, Virginia. I attended the Planning Commission public hearing on April 14, 2016 and their meeting on May 12, 2016 in regards to their application submitted by Hampton Roads Development to rezone the 439 acres along Camp Parkway and Delaware Road from Residential and Agricultural to Industrial. As you know, the vote was nearly unanimous in opposition to the proposal. I was pleased by that outcome but bothered by remarks I have since heard from some individuals that the Planning Commission actions mean nothing; that this is a done deal and they see no reason to get involve because their opinion does not matter. I want to believe that this is the farthest thing from the truth and by no means that a decision about this rezoning would already be made when the public hearings have not been completed and the process has not played out. I think you as leaders of the community should be extremely concerned when there is apathy because some of your constituents think their representatives are just going through the motions. That is not good for any community. Voters should be able to trust that those we place in office do indeed listen and are open to learning more and even having their minds changed. I respectfully request, therefore, that you do not make any final decision until the last person has spoken at the public hearing on this matter; that all of the facts have been revealed and all of the questions have been answered. If our children and our grandchildren are to believe that this is the best country in the world. They need to see that all citizens are heard on all issues like this and are included in the process. Thank you for your time and your leadership.

Mr. Bobby Tyler addressed the board. Good evening, my name is Bobby Tyler and I live at 112 Queens Lane Franklin, Virginia. I also own property and pay taxes in this county. I come to you tonight to share something with you because I have heard a number of people say, and I often wonder where these people come from, but one after another say that residential housing does not pay for itself. I am before you tonight to offer some information and suggestions that dispel this perception. Moreover, I will offer this information to anyone as an opportunity to review it, discuss it, or debate it. First, let me share something from the Center of Economic Development from the University of Massachusetts. They found that, and I quote, "home building generates substantial local economic activity including income, jobs, revenue for state and local governments, that far exceed the school cost to property tax ratio." The National Consortium for

Housing Research Center began in 1988 with thirteen university members. Now, there are over twenty universities and research centers and housing research groups including Virginia Tech. I offer these as a very small sampling of housing research that has conclusive evidence that residential housing not only pays for itself, but is consistent with an ongoing revenue stream into the future. The Shimberg Center for Affordable Housing at the University of Florida established that the real estate taxes paid year after year are the most obvious long-term economic benefits to a community. Probably the second most obvious long-term economic benefit is the purchases made by the families occupying the completed homes. The Illinois Department of Development Authority determined that the new construction activity in single-family and multi-family housing resulted in the creation of 4256 full-time jobs in construction and construction-related industries. The authority also used an impact model to determine the federal, state, and local taxes and fees generated from new construction and substantial rehabilitation activities. The National Association of Home Builders uses a model to assess the immediate economic impacts of affordable housing by phase including the construction effect, the construction ripple, and the ongoing impacts. These were done to show that permanent affordable and geographically assessable housing provide numerous benefits to both the individual families and to the broader community. Those are all quotes. There are a number of ways that housing benefits a community. I am going to offer only three of the quantifiable benefits here. Moreover, I am only going to present single family housing; primarily because single family housing is one of the largest components when you look at the land use in this community. The first and most important one that you all will recognize is called the construction phase. Everyone knows what that is when you are building houses. This is a local benefit that generates jobs, wages, and local taxes including permits, utility connections, and so on. These are generated by the actual development, construction, and sale of the homes. These jobs include on-site and off-site construction work as well as jobs generated in retail, wholesale, sale of components, transportation to the sites, and professional services required to build the homes. As a sidebar, in the City of Franklin, the water connections are \$3,500 and the sewer connections are \$4,500. That is \$8,000 and I am using this as a 100 unit component. That is \$800,000 that you receive that cost you nothing. The developer puts it in and the builders have to connect to the water and sewer taps. So, that is \$800,000 immediately. The estimated one-year first impact of building 100 single family homes is \$28.7 million in local income. It is \$3.6 million in taxes and other revenue for local governments and it generates 394 local jobs. I don't know about you, but as you drive around this community you will find a lot of people with ladders in the back of their trucks looking for something to do. These impacts are local impacts representing income from jobs, residence, and other sources of income. The next phase is called the ripple phase. This is the money that local residents made and spend in our community. This is money that people earned during the construction period and spent locally on other goods and services. This generates additional income for other local residents which are spent on more locally produced goods and services and so on. The continuing recycling event comes back into the community. It is usually called the multiplier of ripple effect. The last one is an ongoing annual effect. This is year after year after year. It generates about \$4.1 million in local income and \$1 million in taxes and other revenue, and local governments can produce 69 jobs. These are ongoing, annual local impacts that results from new homes becoming occupied and the occupant paying taxes and otherwise participating in a local economy year after year. The ongoing impacts also includes the effects of increased property taxes based on the difference between the value of the raw land and the value of the completed house and units on the finished lots. I also have additional studies that give you the long-term effects. The first year 100 homes are built typically result in an estimated \$4 million in taxes and other revenue from local governments. It cost about \$332,000 in current expenditures by local government to provide public services to new households at current levels, and \$2.4 million in capital investments for new structures and equipment undertaken by local government. This analysis assumes that local government finances the capital investment by borrowing at the current municipal bond rate. In a typical year after the first year after 100 houses, result in \$1 million in taxes and other revenue for local governments and \$664,000 in government expenditures needed to continue to provide services at current levels. The difference between the government revenue and the current expenditures provides an operating surplus. The first year single family operating surplus is large enough to service and pay off all of the debt incurred by investing in structures and equipment at the beginning of the first year by the end of the first year. With that, the operating surplus will be available to finance projects or reduce taxes. After 15 years, these 100 houses will generate an accumulative \$18.1 million in revenue compared to \$12.2 million including annual current expenses, capital investments, and interest. That is a \$6 million benefit to the community. We all know that vibrant communities in our state, both urban and rural, typically share common traits. Citizens are engaged, communities are safe, and schools are

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thriving. There is one constant in the heart of every vibrant community, and that is a healthy housing market. We must embrace housing that covers a wide range of housing income, demographics, and cultural conditions. We must change/adjust to remove exclusionary zoning practices that are currently holding us back. We must develop a mindset to commit community resources to inform and promote long-term sustainable housing. We must establish future practices and policies regarding housing affordability plus strengthening the community's commitment to affordable and sustainable housing. Lastly, I want to leave this with you. We must always remember that housing supports industry. Housing is where industry sleeps at night. Thank you all.

Mr. Jim Hart addressed the board. Good evening, my name is Jim Hart and I live at 24576 Delaware Road Courtland, Virginia. I have a couple of points I want to mention to you. One, is I ask that you consider to stay the course and follow the recommendation of the Planning Commission. They are people that were selected, interviewed, and appointed by this board. Demonstrate the confidence that you have in them and support them in their efforts. That will demonstrate unity to all of our citizens and also to our neighbors. I also ask you tonight to take necessary actions that will enable you to advertise the public hearing on the Camp Parkway project and vote on the same evening. Citizens that come out look forward to and anticipate action on this matter. Unless something is brought forward to you that warrants for a lot of deliberation, a vote would be greatly appreciated. People who come out go through a lot of trouble. I hear a lot of people getting babysitters in order to come to these meetings and then to have to come back to another one to see the vote is inconvenient for them. Unless something is really brought before you all that warrants it, a vote would greatly be appreciated that evening. Thank you very much for your time.

Chairman Jones states nothing else will be with that public hearing except Camp Parkway.

Mr. Jim Hart states okay, thank you.

Mr. Glenn Updike addressed the board. I am Glenn Updike from Newsoms. First of all, I would like to thank the Planning Commission. They set up standards that are going to be hard to live up to. They listened to every citizen and they responded. They didn't cut anybody off. They listened and studied and came up with a fair agreement. They didn't play politics with it. They came straight forward, answered the questions, and did what was proper. That is a standard that this whole community need to look up to. I thank them from the bottom of my heart for the morals and standards that they set for the county. Alright, so much for the good news, and now for the bad news. I will say you all don't have to feel bad when you call me a redneck bigot. I am from the mountains and us old mountaineers have our own set of values, morals, and understanding of common decency. This past week these directive statements to the schools, if you don't listen to me I am going to blackmail you; I am going to hold money. That is completely beyond anybody's comprehension of common decency. I have little grandchildren eight and under. They don't even want us in the room when they are changing clothes. So, what do you think about these children at school, at the recreation centers, and things where they have to dress a child, you might as well say open to the public. I can't fathom... how can this be beneficial to the county. If you allow molestation to my grandchildren from this reaction or laws and mandates, you will have to build at least one more jail cell in the county because I will be looking for a home. The main thing I wanted to say is this is something we can't sit back and say nothing. If you sit back and say nothing, you are agreeing with it. I can't see us as citizens with moral values not standing up on the roof top and yelling at high levels this is wrong for our children, grandchildren, and future generations. Even animals have common decency. When a cow gives birth to her calf, she is not going to lie down in the middle of the herd. She goes and gets a private place to have her calf. So, animals even have some respect for society and their development. So, what I am asking is it is time for every citizen, even this board, to send letters to every elected official in the state and nationally. Tell them to get off their butts and make some common decency decisions on this proposition. This is beyond all comprehension that this will take place, and to be blackmailed on top of it is just beyond anybody's common decency. I would like to recommend that we as a county go on record, and take this old redneck bigot from the mountains; I have been fascinated by the city type of values. I recommend you all consider writing a letter of recommendation to our representatives to get off their butts and make corrections on this situation. I will cut out right there. I will say some more later.

Mr. Michael Bradshaw addressed the board. Good evening gentlemen; my name is Michael Bradshaw and I live on Willis Road in the Hunterdale District. I also own property in the Newsoms district. I will be brief as possible, but I will tell you a little bit about myself first. I am 48 years old and I have been here all of my life; either in Franklin or Southampton County. I have lived in Southampton County just as much as I have lived in the City. I have given the last 20 years of my life as a public servant throughout the City or the County as a Volunteer Fire Fighter and an EMT. I also coach football with the Franklin Mustang Youth Organization. I am a member of the Courtland Youth Athletic Association and was involved in building the baseball fields and softball fields in Sebrell. So, I am here and I am not going anywhere. I love this community and I appreciate you gentlemen giving your time back to the community the same way I try to. All I want to say is the Camp Parkway project is not a good idea. They don't have any solid plan that is proof that it will help the county with industry. If they come back tomorrow with something that has a low impact on the community and will bring instant jobs and instant income to the county, I will be standing here supporting them. But, right now all they have given us is a dream. Right now, as Mr. Tyler pointed out, is a perfect place to have medium income homes which certainly matches the income of most of our residents. Instead of building homes that are \$350,000, we can build \$150,000 homes or less there and get young families in. That is what our county needs to make us survive and thrive. I hope you guys understand we have enough industrial zoned land in the county that is not being utilized. We don't need to take a prime piece of real estate and put it in industrial zoning with just a dream. I hope you guys can see it my way. You have a good night and thanks again.

Mr. Jason Fowler addressed the board. Good evening; my name is Jason Fowler and I live in Courtland. I want to change gears a little bit and bring up the courthouse project. I know there is a committee that is looking into this, but I just wanted to make sure that committee is being open. I would like to see presentations on what the committee is discussing, and see what we can get out to the public before it gets too far along; part location and what is going to be done with that courthouse.

Chairman Jones states anyone else?

There was no response and comment period was closed.

Chairman Jones states we will go to number five, the approval of the minutes. Does anyone have any problems with the minutes? If not, minutes stand approved. We will go to number six, highway matters.

Mr. Michael Johnson states item A, Mr. Chairman, as we discussed last month, the Commonwealth Transportation Board hosted a public meeting in Thursday, May 12th in the Regional Building in Chesapeake to solicit input on its Draft Six-Year Improvement Program. Supervisors Cook and Supervisor Porter joined me in attending, and you have a copy of remarks offered on your behalf.

Chairman Jones states does anyone have any questions? Alright, item B.

Mr. Michael Johnson states I was contacted in mid-March by Tommy Catlett, P.E., VDOT's Area Land Use Engineer regarding some housekeeping measures associated with Agri-Park Drive and Mill Creek Drive. Despite the fact that VDOT had been maintaining both of these roadways since their respective construction warranties expired, they had never officially been accepted into VDOT's secondary system. The matter was quickly resolved and we subsequently received confirmation that both roadways have now been officially added to the secondary system. The net change in the County's overall secondary mileage is +0.53 miles. We are also working on some loose ends associated with Enviva Way. I am waiting receipt of the final plat establishing the metes and bounds of the right-of-way. I hope to have that along with an official resolution for your consideration next month.

Chairman Jones states alright sir.

Mr. Michael Johnson states item C, for your reference, you will find a copy of the Draft Secondary Six-Year Improvement Plan. This will be advertised for public comment next month. It provides only \$227,313 in new funds for FY 2017. The plan sets aside an additional \$168,173 towards the

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paving of Guy Place Road. That means another \$432,000 will still be necessary before that project can be completed. The plan also sets aside an additional \$56,598 towards widening and improving Governor Darden Road. There is still another \$1.15 million necessary before that project moves forward. Finally, it sets aside \$2,542 for safety improvements. You can see with only \$227,000 a year in funding it takes a long time to accrue enough funding to move these projects forward.

Chairman Jones states alright, we will go to item D.

Chairman Jones called on Supervisor West.

Supervisor West states not at this time. I am glad to see mowing taking place along the shoulders.

Chairman Jones called on Supervisor Faison.

Supervisor Faison states not at this time.

Chairman Jones called on Supervisor Porter.

Supervisor Porter states not at this time.

Chairman Jones called on Supervisor Cook.

Supervisor Cook states not at this time.

Chairman Jones called on Supervisor Edwards.

Supervisor Edwards states nothing new at this time.

Chairman Jones called on Supervisor Phillips.

Supervisor Phillips states I would just like to ask Mike to thank the highway department. At least in my district, they are doing some trimming along the side of the roads where the tree limbs were hitting the car antennas. It is welcomed improvement. For those of us that farm and try to move equipment down the road, they are taking trees that are leaning across the road and cutting them down before they fall. I would suggest if people have comments or concerns to make your Supervisor aware of these so they can be pointed out to VDOT.

Chairman Jones states Mr. Johnson can you check with the state in regards to Pleasant Grove Church having a marquee out front. They want to know how close to the highway can they put that marquee.

Mr. Michael Johnson states that would be a function of the zoning ordinance. Mrs. Lewis can answer that for you.

Chairman Jones states Mrs. Lewis how close can it be?

Mrs. Beth Lewis states there is not a specific setback for ground signs. The permit application just needs to include the site distance triangle so we can make sure that cars can pull in and out of the driveway safely after the fact. The setback for a building is 50 feet, but signs don't need to be that far.

Chairman Jones states I also have a complaint at Jones Drive. When you are coming out of Jones Drive to the north, you can't see east. There are some trees in the yard and you can't see down the road at that curve. The trees need to be trimmed up.

Mr. Michael Johnson states so if I am coming out of Jones Drive and look east, my site distance is obstructed.

Chairman Jones states your site distance is obstructed because of trees hanging out onto the highway. Also, I am still getting complaints about the abandoned house on Tennessee Road. The grass needs cutting again. Alright, we will go to number seven, appointments.

Mr. Michael Johnson states item A, Mr. Chairman, is appointments to the Department of Social Services Administrative Board. We have three member's term on that board that is set to expire June 30th. That includes the terms for Moses Wyche, Carl Faison who represents the Board of Supervisors, as well as Barbara Ellsworth. All three are eligible for reappointment and have agreed to serve if appointed. Just for reference, the other two members of the Department of Social Services Administrative Board are Ms. Marcia Garriss who term expires June 30, 2018 and Ms. Anita Felts who term expires June 30, 2019.

Chairman Jones states okay, we need a separate motion for each individual.

Supervisor Phillips made a motion to reappoint Mr. Moses Wyche to the Department of Social Services Administrative Board.

Supervisor West seconded the motion which carried unanimously.

Supervisor West made a motion to reappoint Mr. Carl Faison as the Board of Supervisors representative to the Department of Social Services Administrative Board.

Supervisor Edwards seconded the motion which carried unanimously.

Supervisor West made a motion on behalf of Chairman Jones to reappoint Mrs. Barbara Ellsworth to the Department of Social Services Administrative Board.

Supervisor Porter seconded the motion which carried unanimously.

Chairman Jones states let's go to item B.

Mr. Michael Johnson states item B is the appointment to the Hampton Roads Planning District Commission (HRPDC) and Hampton Roads Transportation Planning Organization (HRTPO). Mr. Porter's term on HRPDC as well as his appointment as the county representative with certain voting rights under our Memorandum of Agreement with HRTPO are both set to expire on June 30th. Mr. Porter is eligible for reappointment to vote.

Chairman Jones states Mr. Porter are you accepting that again.

Supervisor Porter states I am willing to do it but I am not opposed to someone else doing it, but I will be happy to do it again.

Supervisor West made a motion to reappoint Mr. Porter to the HRPDC for another two-year term and further authorize him to exercise voting rights with the HRTPO in accordance with the terms of our Memorandum of Agreement.

Supervisor Cook seconded the motion which carried unanimously.

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

Mr. Michael Johnson states a few personnel items to report. We had two employees hired during the month. Effective May 2nd in the Department of Public Utilities, Aaron C. Fisher, hired at \$30,418 and Delbert E. Blythe hired effective May 9th in the Department of Public Utilities at \$30,418. We will have one retirement at the end of this month effective May 31st. Keith Jackson also in the Department of Public Utilities will be retiring with more than 30 years of service to the County.

Chairman Jones states okay, Shared Services Committee.

Supervisor Porter states we really don't have anything new tonight. We can say that SPSA has worked out their operating agreements and their Use and Support Agreements; as you know because you have already signed the agreement in accordance with our resolution we did a couple of months ago. We are still trying to push the Utility Project ahead, and we have another meeting Wednesday night.

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Supervisor West states speaking of the Utility Project, the funding that is needed for evaluating the two systems will be in July 1st budget. We are waiting on that funding so the City of Franklin funds and Southampton County funds can come together and establish a value for the system, and then we will be able to determine if there will be an Authority or see what the situation may be.

Chairman Jones states alright, are there any other questions? If not, we will go to number nine, financial matters.

Mr. Michael Johnson states item A, Mr. Chairman, is consideration of the FY 2017 Annual Budget. You have a copy of the final budget that was advertised in the Tidewater News on May 1st included in your agenda packages.

Chairman Jones states alright gentlemen, any comments on the budget. We have been through this a lot of times.

Supervisor West states when we had a public hearing at Southampton High School and I specifically counted, there were 27 people present and 5 or 7 spoke. With that being said, the proposed budget does have increases as far as real estate taxes, the fees for water and sewage, and the fees for automobile licensing fee. With the input that we received there was no real objections, but I am sure no one cares to pay more taxes, but the county has bought what it could to each request. The increase is 5 cents on the real estate. With that being said, we have to move forward. Tonight I am ready to vote on this and move forward.

Chairman Jones states any other discussion.

Supervisor Porter states I would love to make some changes but I am afraid at this time there are no changes we can afford and we can't afford to make any changes in the other direction either. I think this is a minimal budget. We need more money. We need lower taxes, but I think this is the best we can do right now.

Chairman Jones states alright, any other comments.

Supervisor Edwards states I think everybody should know that the school system did receive the line share of the increase which they needed. Nothing was wasted here and I think it was an extremely good budget. It was the best we could do.

Chairman Jones called on Supervisor Phillips.

Supervisor Phillips states to follow up on what Dr. Edwards said the newspaper article said that 71% of the increase will go to help fund the schools. I would like to recap what we are doing. It is our job as a Supervisor to provide the residents of Southampton County with the best education possible and public safety with the available resources. I would like to thank the school board for its cooperation as we have worked together to create a workable budget for FY 2017. We are making an effort to address some of the budget shortfalls in the past with our current budget. We have also added another five school buses to the fleet again this year. This year we are addressing several things that we have been putting off; not to mention we are faced with a state mandate of reassessment which will take between 18 – 24 months and that will begin here shortly. The county classification and compensation study which has been ongoing will be implemented over the next three years. The plan is to give fair evaluation for the work that the county employees are asked to perform. Third, the county will begin a fixed asset evaluation as Supervisor West commented on which is the next step in determining whether or not the proposed creation of a joint water and sewer Service Authority is in the best interest of both Southampton and the City of Franklin. I would echo what Mr. Porter said; we have a flat budget and we refunded an individual \$40,000 that was left over from a tax sale. That was about how much increase we had in our operating budget this year. So, we are pretty much at a zero. With that said, I am not in favor of raising taxes except there comes a point when we have to. We thank you for your input and your comments.

Chairman Jones called on Supervisor Cook.

Supervisor Cook states I am good with the comments. I know what we have gone through and talked about so I am good.

Supervisor Faison states I would like to say that the county faces stern amounts of responsibilities. It would be nice to fund everybody for their request. Even with what we have done, we have increased the tax rate on real estate by 5 cents and I don't see how we could do any more than that. I am certainly satisfied with what we have done.

Chairman Jones states everybody has spoken and we are ready for a motion.

Supervisor West made a motion to adopt the FY 2017 annual budget as attached.

Supervisor Faison seconded the motion which carried unanimously.

Chairman Jones states let's go to B, consideration of the FY 2017 annual tax rates.

Supervisor West states in order to adopt the budget we have to adopt the tax rates.

Supervisor West made a motion to adopt the attached ordinances establishing FY 2017 annual tax levy and increase the motor vehicle license tax to \$28 for private passenger motor vehicles.

Supervisor Edwards seconded the motion which carried unanimously.

Chairman Jones states we will go to item C.

Supervisor West states I had already made reference that the water and sewer rates would go up. I think they are moderate in increase. Mr. Johnson, \$1 to \$2?

Mr. Michael Johnson states it is \$1 on the base rate and \$1 on the incremental rate per 1,000.

Supervisor West states so that was held to the minimum. At this time, I will make a motion to adopt the attached ordinance establishing the water, sewer, and solid waste fees for FY 2017.

Supervisor Faison seconded the motion which carried unanimously.

Chairman Jones states now we will pay the bills.

Supervisor West made a motion to authorize payment of the monthly bills.

Supervisor Faison seconded the motion to pay the bills in the amount of \$1,917,221.77 to be paid by check numbers 147235 through 147592. The motion carried unanimously.

Chairman Jones states let's go to number ten, public hearings.

Mr. Michael Johnson states our first public hearing tonight, Mr. Chairman, is held pursuant to Sections(s) 15.2-1427 and 15.2-2204 of the Code of Virginia, 1950, as amended to consider a request by Daniel and Jocelyn Jenkins, owners, for a zoning map amendment from CR-2, Conditional Residential, to A-1, Agricultural, to permit the construction of a manufactured home. The property is 1.09 acres in size, is known as Tax Parcel 67-51K, and is located on the west side of Tennessee Road (SR 722) approximately 1,060' south of its intersection with Southampton Parkway (US 58). The property is in the Drewryville Voting and Magisterial District. The notice of public hearing was published in the Tidewater News on May 8 and May 15, 2016 and all adjacent property owners were notified as required by law. Following its public hearing on April 14, 2016 the Southampton County Planning Commission voted unanimously to recommend approval of the zoning map amendment. After conclusion of the public hearing, the Board of Supervisors will consider the comments offered this evening and will proceed to approve, deny, or defer action on the request. Mrs. Beth Lewis, Secretary to the Planning Commission, will provide introductory remarks after which all interested parties are invited to come forward and express their views.

Mrs. Beth Lewis states good evening. Until 2006, this property had A-1 zoning. In 2006, Mr. Jenkins requested a zoning map amendment to Conditional Residential-2 to build a triplex on the property. He was planning to build some affordable housing on this piece of property. The Planning Commission and the Board of Supervisors approved that request. That development

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didn't take place, and now Mr. Jenkins would like to be able to permit his daughter to install a residence on this property. In the CR-2 zoning district, manufactured homes are not permitted. The only zoning districts manufactured homes are permitted housing type is the A-1 and A-2 zoning district. Mr. Jenkins has requested to amend the zoning back to the A-1 zoning district to permit the installation of one manufactured home on this property for his daughter. It is a one acre piece of property. It has plenty of road frontage. He turned in a survey in 2006 that showed a structure fitting within the setbacks with the appropriate drain field. This request for a one single family residence is much more in keeping with the area on Tennessee Road than a triplex would have been. Mr. Jenkins is here if you have any questions.

Chairman Jones states this is a public hearing; is there anyone here for or against this application?

There was no response and the public hearing was closed.

Chairman Jones states this is in my district and I am glad to see a house come there instead of what has been there. It is a good change and I am for it. Mr. Jenkins is here if anyone has any questions for him.

Supervisor West made a motion to accept the Planning Commission recommendation and approve the zoning map amendment.

Supervisor Faison seconded the motion which carried unanimously.

Chairman Jones states let's go to B.

Mr. Michael Johnson states, Mr. Chairman, the second public hearing tonight is held pursuant to Section 15.2-1427 of the Code of Virginia, 1950, as amended, to consider an ordinance amending Article II, Chapter 2 of the Southampton County Code by adding Section 2-26 establishing biennial elections and staggered terms for the Board of Supervisors beginning with the General Election of 2019. The notice of public hearing was published in the Tidewater News on May 8 and May 15, 2016 as required by law. After conclusion of the public hearing, the Board of Supervisors will consider the comments offered this evening and will proceed to approve, deny, or defer action on the proposed ordinance.

Chairman Jones states this is a public hearing. Is there anyone for or against this ordinance amendment?

Mr. Glenn Updike addressed the board. I am Glenn Updike. I really don't think the public has had the opportunity to really think about what this proposal really means. I reject the idea on the basis that new board members cannot understand and function as well as the members that have been on the board for quite a few years. I just want to remind you, I remember years ago we had a big line up out here in the audience begging and pleading the county not to overbuild the sewage system but it ended up on deaf ears. Those that were on the board at that time, there wasn't a single new member on it. If we had new members from the audience we would at least have had a voice on this decision. New members are not the only ones that can make bad decisions. That was a huge gigantic failure. You can put it any way you want to, but it was a failure in overbuilding the sewer system to a tune of about \$30 million. We are paying for it right now. So, to imply that we need to change the system because of new members will make wrong decisions; everybody make wrong decisions. It is not just new members. People run a business and have families out here in the county all the time. The only difference between that and the Board of Supervisors is they have to live within their budget; when they run out of money that is it. People who come on the board; to say they can't make proper decisions, that doesn't make any sense. We can just raise taxes, and that happens year after year after year; raise the real estate, personal property, or fees. So, to change it for the simple purpose of stating that the new members can't make proper decisions is wrong. If you place them on alternate years, one group will be running at the same time as the Governor. You will become the face of the party. The citizens will not be concerned about the local election. They will be concerned about the state and will vote state party lines whether it is Democratic or Republicans to accommodate the parties. So, you are losing the independence of these three or four members. They will be dictated by the state. The turnout for local elections versus state elections is close to a 15% difference in voter turnout; now, I haven't looked that up exactly. I think you need to look at the outside influence on local elections. You know what

happens in state elections. This could come all the way down to local elections. So, take the time to really think about it and evaluate it; just to change it so you can only get three or four new members on the board at any one time... to say you have to have two or three years of training. To be honest with you, that doesn't pass the smell test to me.

Supervisor West states in your opinion.

Mr. Glenn Updike states certainly in my opinion it doesn't pass the smell test. It is not appropriate.

Chairman Jones states anyone else. If not, the public hearing is closed. Alright board members, what do you say?

Supervisor Edwards states I say it has much to do about nothing. I don't really understand what the problem is. I have looked at it and listened to it. So what if most of the board got wiped out if that is what the people would want? We had four new members that came on several years ago and the county didn't suffer. I just wonder what is really behind this because the county has operated like this for a long time without any problems. To tell you the truth, if all of us dropped dead tonight Mike Johnson could still handle it. So, I really don't understand why we are doing this. I don't think it is fair to whoever runs for election and I don't think it is fair to the voters. I have said if you want to do this I would be very happy to vote for it if we have four volunteers, but I haven't heard any volunteers who want to do this, unless I am going to hear them tonight.

Chairman Jones called on Supervisor Phillips.

Supervisor Phillips states I would say prior to coming on this board I stood before this board and urged the board to consider staggered elections. I have seen what has happened in Isle of Wight County and I do disagree with Mr. Updike. I think anything that you do there is a period of time as you begin to do it you adjust and learn better how to do it I don't care what it is. I feel that it would be in the County's best interest if three are replaced or four are replaced, to have some experience whether it is a Chairman or whatever. We need to maintain some experienced Supervisors on the board, and that is why I was in favor of it and still am in favor of it.

Chairman Jones called on Supervisor Faison.

Supervisor Faison states I am in favor of it because even though it doesn't seem likely that there could be a total turnover I think if we put it in place that we have staggered elections it eliminates that possibility. I think it is good that there are some persons on the board when a new person comes on. There are some things that seem a certain way until you are in that position. I think it would benefit the county by having staggered elections.

Chairman Jones called on Supervisor West.

Supervisor West states I am going to say that I am in favor of staggered elections for the simple reason it will be announced before the election by draw from the Registrar's Office which districts will be running for two years and which districts will be running for four. So, you will know that up front. Contrary to what I just heard from the public, you do not pick up on this job. You come with preconceived ideas that are quite different when you get and sit in this position, and it is not automatic. It is not that you know it. You have a lot of good ideas and you bring those ideas and I respect those ideas. To answer another question tonight, and whoever the rumor mongering is which people seem to enjoy in Southampton County these days, there are no preconceived, preset, no need to have a public hearing, or anything else for that reason. Whether it is Camp Parkway or something else, these things are not done. For anyone that has a preconceived idea that we get together and we make up our minds and we do these things. That does not happen. Laugh at this please; I am not that smart. I wish I was, but I am not able to do that. With that being said, I feel that you will know who the two year term is and you will know who the four year term is. Three will be and four will be, and that is the way that it is. I am in favor of it. It gives longevity to the board with experience at the same time.

Chairman Jones called on Supervisor Porter.

Supervisor Porter states I have always been concerned about this problem since I have been on the

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board. It is not about four new board members it is about seven new board members. I think seven new board members at one time can paralyze the board. You would probably have a year that you wouldn't get anything done, and I don't think it is Mr. Johnson's job to run the county. It is Mr. Johnson's job to run the county with the oversight of the board based on the policies and procedures the board approves and instructs him to do. If there is no one to do that, the county doesn't move no matter how good the person is in the Administration job. I proposed this two years ago and the board turned it down. I think some people have thought about it since then, and they see the merit to it. We talk about it is not fair to the person that is running for two years, but personally I don't care about the person running. I care more about the county. It's about looking out for what is best for the county. It is not necessarily what is good for the candidate. The candidate will know ahead of time whether they are running for two years or four years. As far as volunteers, the law doesn't allow us to volunteer so that is a moot point.

Chairman Jones called on Supervisor Cook.

Supervisor Cook states I have heard all of the comments and I agree with the staggered elections. I have talked to some other communities and a couple has had problems. Some do have staggered elections and they like them for the things that we have talked about tonight; that you don't have the entire board running at the same time. They think it is in the best interest of their community to have it staggered so you have some new members along with old members coming on. So, I am in favor of it.

Chairman Jones states alright, are there any other comments or questions? If not, I need a motion.

Supervisor Porter made a motion to approve the attached ordinance in regards to biennial elections and staggered terms.

Supervisor Faison seconded the motion.

Supervisor Porter, Supervisor Faison, Supervisor Cook, Supervisor West, and Supervisor Phillips voted in favor of the motion.

Supervisor Edwards voted against the motion.

The motion passed.

Chairman Jones states let's go to number eleven.

Mr. Michael Johnson states since the advert development of our Geographic Information System (GIS), we've periodically received requests from private companies for certain geographic data (road centerlines, municipal/county boundaries, building footprints, address points, tax parcels, voting districts, etc.). We've historically considered this a public service and provided the data free of charge despite the fact that there is expense associated with maintaining this data and staff time associated with processing the request. The number of requests has continued to grow to the point where we receive approximately 20 requests per year. In order to recover our costs, Mrs. Wright has developed the attached policy for your consideration. The policy provides that all requests must be in writing (email is sufficient). There will be no more customized requests. We will provide a standardized set of data that includes 11 different shape files, which should sufficiently address all requests we typically receive. The cost of the data set is a flat \$300 which must be paid in advance. The fees are expected to generate approximately \$6,000 - \$12,000 annually, depending upon the number of request, which should sufficiently cover our costs in maintaining/updating the data and processing these requests.

Chairman Jones states alright gentlemen; you heard what Mr. Johnson said.

Supervisor Porter states I think we need to do it. I make a motion to adopt and implement the attached GIS Digital Distribution Policy.

Supervisor West seconded the motion which carried unanimously.

Chairman Jones states let's go to number twelve.

Mr. Michael Johnson states item number twelve, Mr. Chairman, our Department of Utilities was recently contacted by T-Mobile with an interest in leasing space on the Newsoms elevated water tank to install an antenna for wireless communication. Attached for your consideration is their boilerplate lease agreement which includes their standard terms and conditions. The agreement provides that they have a 1-year option in which to exercise their rights to install the antenna. If they exercise that option, the initial term of the lease is 5 years with five (5) automatic renewals of 5 years each unless they provide written notice prior to expiration of the term. So, you are looking at an initial term of 5 years and then 5 successor automatic 5-year renewals; you are really talking about a 30 year lease here. After 30 years, the agreement transitions to a year-to-year lease. They are proposing an initial rental rate of \$1200 per month (\$14,400 annually) with a 10% increase at each 5-year renewal followed by a 2% annual escalation once the lease transitions to year-to-year. This is an opportunity to capitalize on an existing asset, generate cash for our Enterprise Fund and improve communications in the Newsoms area. Accordingly, from the staff level we're recommending that you authorize us to execute the agreement in substantially the form presented here tonight in accordance with the terms I just outlined.

Supervisor Cook states I am pleased with the opportunity to get any help on cell phone coverage in Newsoms. It looks like a great opportunity to use an existing water tower. There is not a lot of work to get this thing going, and I think they will jump at the opportunity to exercise the agreement. I make a motion to authorize staff to execute the agreement in substantially the form presented herewith in accordance with the terms outlined.

Supervisor Edwards seconded the motion which carried unanimously.

Chairman Jones states let's go to number thirteen.

Mr. Michael Johnson states item thirteen, Mr. Chairman, as you recall, legislation approved by the General Assembly in 2013 established the Hampton Roads Transportation Fund (HRTF) imposing an additional 0.7% sales tax and 2.1% state tax on wholesale distributors of motor fuels in all localities that comprised Planning District 23, including Southampton County; that actually started July 1, 2013. These special revenues are paid into the state treasury and credited to the HRTF, along with any interest earned on them and used solely for new construction projects on new or existing roads, bridges, and tunnels in the localities in Planning District 23. The fund is managed by the Hampton Roads Transportation Accountability Commission (HRTAC), created by the legislature in 2014. HRTAC is responsible for determining how the new regional money will be invested in transportation projects in Hampton Roads. The HRTAC is currently comprised of the chief elected officer of each of the 14 Counties and Cities embraced by the Commission, three State Delegates and two State Senators, and four nonvoting Ex-Officio members. In counties, chief elected officer is defined as the Chairman of the Board of Supervisors. Chairman Jones has represented Southampton County since July 1, 2014. Recently adopted legislation (SB 476) provides that beginning July 1, 2016, any member of the governing body from the four counties embraced by the Hampton Roads Transportation Accountability Commission (the Commission) may represent the county on the Commission provided that he/she is appointed by resolution of the governing body. Accordingly, HRTAC has requested that each of the four counties confirm their appointee by resolution of the governing body. I have it on your agenda tonight, and I assume our counterparts in Isle of Wight, York County, and James City County are doing likewise.

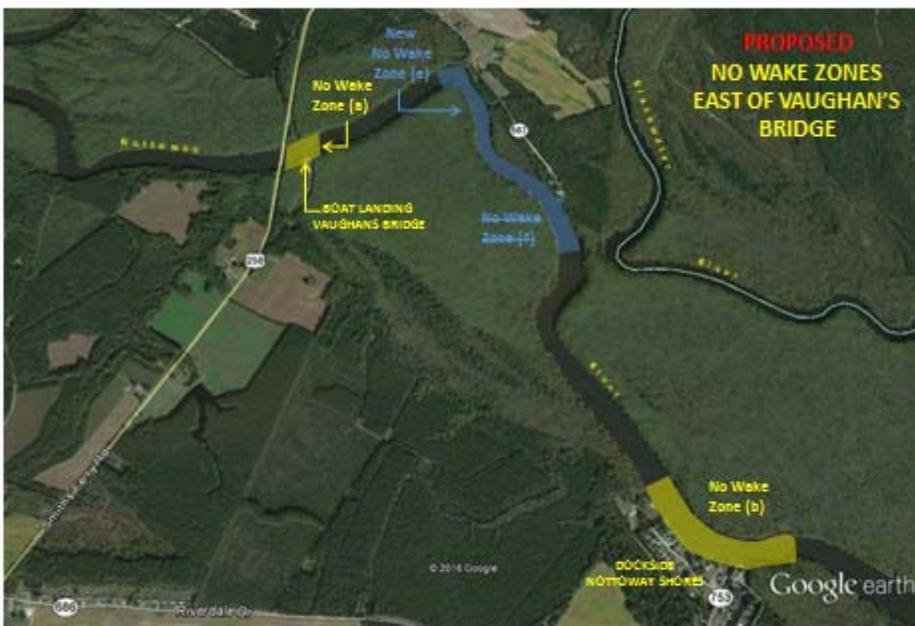
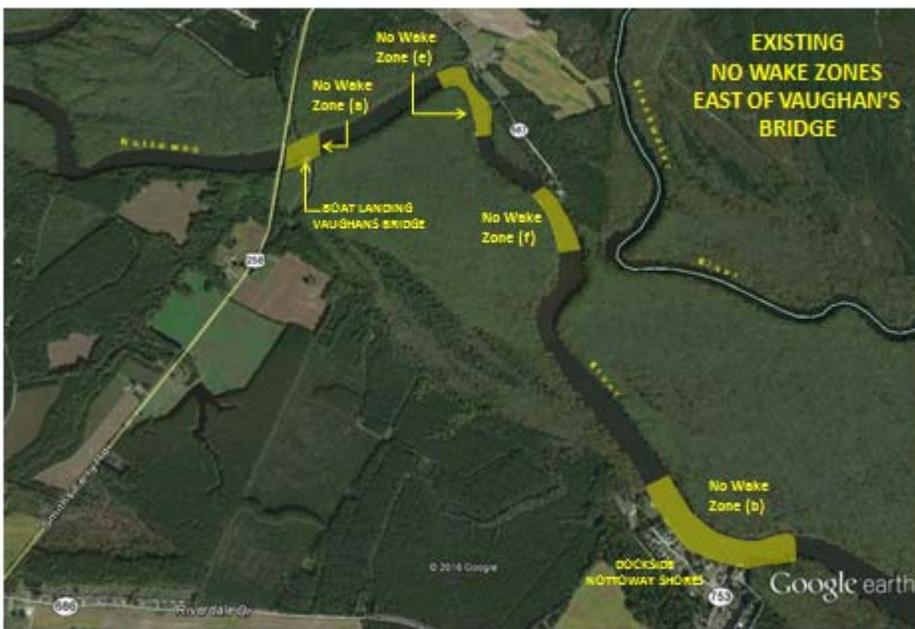
Chairman Jones states Mr. Porter already has a meeting earlier that day. He is on the Hampton Roads Planning District Commission. This is right after that and they are both combined and he can handle both of them. I have to sit there for three hours. We get there at 9:30 and my meeting starts at 12:30. Mr. Johnson and Mr. Porter have to wait for me and I have to wait for them. I would like to nominate Mr. Porter to be appointed to the HRTAC for a term ending December 31, 2019 by adopting the attached resolution. Can I get a second?

Supervisor West seconded the motion which carried unanimously.

Chairman Jones states let's go to number fourteen, First Reading.

Mr. Michael Johnson states Mr. Chairman, establishment of local no wake zones is authorized pursuant to Section 29.1-744 of the Code of Virginia. As you may be aware, the Southampton County Code currently establishes four (4) separate "No-Wake" zones on the Nottoway River east

of the General Vaughan Bridge. The first is located at the public boat landing and extends 300 feet in each direction. Another is located near the former Dockside restaurant in the Nottoway Shores subdivision and extends 1,200 linear feet north of the marina and 900 linear feet south. There are two other no-wake zones established in-between these two near the sharp bend in the river and extending to a point where the Blackwater and Nottoway River(s) nearly meet, and sometimes do meet during flood events. Currently, there is a 1,000 foot “gap” between these two no-wake zones. This gap actually exacerbates shoreline erosion on the southern end of zone E and the northern end of zone F with boaters waiting to throttle back until they near the buoy markers. It has been suggested that combining these two existing no-wake zones, thereby eliminating the 1,000 foot gap, would resolve the issue with shoreline erosion. It also reduces the number of buoys that must be maintained. Included in your agenda packages tonight is a first reading ordinance for your consideration that combines these two no-wake zones and eliminates that 1,000 foot gap between the two. If you think this concept has merit, you will need to advertise this for public comment next month before considering it. Just so you will know the total length of that zone in the center will now be 3,650 linear feet. It will be a long no-wake zone.



Supervisor West states it sounds okay to me.

Supervisor Faison states it sounds like it makes sense but I don't boat out there so I would like to hear from the public and get their opinion.

Supervisor Edwards states does anyone know how many dwellings are in that section?

Mr. Michael Johnson states there are a group of dwellings located at the end of Forks of the River Road. There is a group of dwellings at the Old Smith's Ferry. The area through here is pretty much undeveloped. A lot of people refer to this as Atkinson Beach. The Atkinson family owns a fairly long stretch through there with some cottages and recreational areas.

Supervisor West states who has to maintain the buoys?

Mr. Michael Johnson states the buoys are maintained by Southampton County so certainly that is an added benefit. You would be doing away with four buoys. The life of the buoys really depend on river conditions, but on average we get six to seven years of life out of a buoy before we have to... it is a fairly extensive process. You have to send a diver in the water with stainless steel hardware to get it anchored like it needs to be. It is not something easy to do and the Sheriff's Office installs those, maintains them, and enforces the no-wake zones.

Supervisor West states well I want to ask a question. That area there from A-E, why isn't that being considered as well for no-wake? You go into a bend, and I know how boaters do; they gun it until they get there, they back off of it, and then they gun it again. That does tear away at the shoreline.

Mr. Michael Johnson states I suspect the reason is there is absolutely no development between those two zones. The area in that 1,000 foot gap we are talking about there is development along the river where the property owners are concerned about shoreline erosion.

Supervisor West states are there a number of piers, lights, and boathouses?

Mr. Michael Johnson states in these two areas yes.

Supervisor West states it comes across to me as a need. I see it as a good thing.

Chairman Jones states so let's at least have a public hearing on it and see what people have to say. Any other comments?

Chairman Jones called on Supervisor Cook?

Supervisor Cook states no. I agree that we should get the public's input. I don't know anything about boating either.

Chairman Jones called on Supervisor Porter.

Supervisor Porter states I think we need to listen to the public on this one.

Chairman Jones called on Supervisor Phillips.

Supervisor Phillips states I would be in favor of a public hearing.

Chairman Jones called on Supervisor Edwards.

Supervisor Edwards states likewise; I would like to hear from the people who use the river there.

Chairman Jones states alright, I need a motion.

Supervisor West made a motion to advertise the draft ordinance for public comment next month.

Supervisor Faison seconded the motion which carried unanimously.

Chairman Jones states let's go to number fifteen.

Mr. Michael Johnson states as you all are aware the Planning Commission's public hearing for the Camp Parkway Commerce Center drew more than 25 public speakers and lasted almost 3.5 hours.

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I would anticipate similar public participation at your public hearing. Accordingly, I believe it is prudent to consider scheduling this public hearing on some evening other than your regular monthly meeting. Subject to your approval, I'm seeking your consideration in scheduling the public hearing at Southampton High School. I had suggested sometime during the week of June 20-23. Subsequently, I have learned that Supervisor West will be out of town that week. Subject to your discussion, you may want to reconsider that time. It is certainly up to you all when you would like to act on the application. I know one of the public speakers tonight requested that you consider acting on it the same night that you receive public comment. That is certainly from a legal standpoint appropriate. Once the public hearing is closed, you certainly can go ahead and act on it if you are prepared to act on it at that time.

Chairman Jones states alright gentlemen, let's have some dates. I would like for everybody to be there. I don't want part of the board missing that night. I want everybody, if possible, to be at the public hearing.

Supervisor West states in the interest of public input I do want to be there and I have had an opportunity to speak with Mr. Faison and others on dates they can and cannot go. I am not saying this is the date but July 5th seems to work. That would be a Tuesday evening, but again, I would like input from you guys. I want to be there and I want input myself.

Chairman Jones states is that good for everyone.

Supervisor Edwards states I think July 5th would be appropriate at 7:00 p.m.

Supervisor West states and advertise for the High School if it is available.

Mr. Michael Johnson states I will need to check with the High School to make sure the auditorium is available. If it is agreeable with this board, your motion should be to schedule the public hearing on Tuesday, July 5th at 7:00 p.m. at Southampton High School if it is available. If it is unavailable, it would be here. We would know before we advertise the public hearing whether that venue is available or not, and the ad will specifically say where the public hearing is held.

Supervisor West states and we will vote it up or down at that time?

Mr. Michael Johnson states that is up to you.

Chairman Jones states that is up to the board. Okay, board members what do you think? Okay, I need a motion?

Supervisor West made a motion to schedule the public hearing for Camp Parkway on Tuesday, July 5th at 7 p.m. at Southampton High School Auditorium.

Supervisor Edwards seconded the motion which carried unanimously.

Chairman Jones states let's go to miscellaneous.

Mr. Michael Johnson states there are a couple of things for your reference. You will see a notice in there from the Virginia Department of Historic Resources that they've received a completed nomination for the Courtland Rosenwald School to the National Historic Register. The nomination will officially be presented to the Virginia State Review Board and Virginia Board of Historic Resources on June 16. Preservation of the building and preparation of the nomination form has been a true labor of love for Mrs. Maxine Nowlin and her fellow board members at the Courtland Community Center. You may recall their efforts last fall in obtaining a historic highway marker at the site. That is for your information. There are also a number of public notices related to ground water withdrawal permits, wastewater discharge permits, environmental violations, notices of foreclosure, and SCC notices. All of those things are included in your package and I will be glad to answer any questions if you have any about those. There are also correspondence in here from the Federal Energy Regulatory Commission regarding comments on environmental issues for the Atlantic Coast Pipeline. Finally, there are a couple of newspaper articles for your reading pleasure.

Chairman Jones states okay, number seventeen late arriving matters.

Mr. Michael Johnson states there is one late arriving Mr. Chairman. The Courthouse Planning Committee has met twice in the past three weeks for approximately 90 minutes each time. The discussion has been good. There have been some dissenting opinions expressed. At the May 18 meeting, on a vote 9-2 with 2 members absent that night, the committee did vote to recommend that the Board proceed in developing a request to the circuit court for an election on the question of the removal of the courthouse to a new location, and put the question to the people of the County and the City. Of course prior to actually submitting the request for a writ of election, it is necessary to determine exactly where the courthouse will be removed to, and how much it will cost to acquire the property and construct the new facility. If you all are inclined to accept the Committee's recommendation, you may wish to refer the tasks of site(s) evaluation and procurement of the architectural services back to the Courthouse Planning Committee. The Committee further approved a second motion on a vote of 11-0 to recommend that any new Courthouse facilities be sufficiently sized to accommodate the Circuit Court and the General District and J&DR Court(s) of both the City and County under one roof. As you know the City currently maintains a separate General District and J& DR Court in their own building.

Chairman Jones states alright gentlemen you have heard this. We need to let them know where they can go from here.

Supervisor Edwards states we need to go ahead and move on this. Time is of the essence in order to get everything set up. As you know, we need to have a voter referendum on this. I recommend that we go ahead and push ahead with this. We have to have most of these things in place by early August or so...

Mr. Michael Johnson states if we are trying to make a November election.

Supervisor Edwards states as you know, if we move it to a new site, we have to go through the voter referendum process.

Chairman Jones called on Supervisor Phillips.

Supervisor Phillips states I have two questions. Currently, part of the General District Court is in Franklin. If we kept it the same, there would be a share. Would this make them a 50/50 share in the building of the courthouse?

Mr. Michael Johnson states that is a good question. The way the funding reimbursement works, it is based on the proportion of population between the County and the City. To keep the numbers rounded, it is 30% and 70%. The County covers 70% of the cost and the City 30% of the cost. However, for the actual courthouse building cost, because we don't share 100% of the space, we share the Circuit Court space, the Commonwealth Attorney Office space, the Clerk of the Circuit Court, and the Records Room. However our General District Court and J&DR Court and Combined District Court Clerk's Office is exclusively Southampton and Franklin has their own facilities in the City. So, when we take that space factor into account, we share roughly 71% of the building. When we figure the cost of operating and maintaining the building, Franklin's actual share is about 21-22% which is 30% of that 71%. I hope I didn't confuse you too much.

Supervisor Porter states effectively this would actually be favorable to us because it will increase their share of the total cost.

Mr. Michael Johnson states that is right. It would move their cost of operating and maintaining the building to the same formula we currently use for the cost of operating the Commonwealth's Attorney Office and the Clerk's Office at that full 30% rate.

Supervisor Porter states and it would be beneficial to them because they wouldn't have to maintain separate facilities.

Mr. Michael Johnson states that is correct.

Supervisor Porter states so everybody wins.

Supervisor Edwards states right and in order to have them on board we are going to need to go with this.

Supervisor Porter states I think it makes sense. I think the suggestion Mr. Johnson made about having the committee evaluate these critical milestones is important too. I don't think we have any other people really capable of doing that. I think they are the people that should do it and I would endorse that approach.

Mr. Richard Railey states aren't you going to have to have the General Assembly act to an effect to do away with the City of Franklin General District Court?

Mr. Michael Johnson states that is a process Mr. Railey. We have not fully gone down that road. My thought was to call the Supreme Court and have that discussion with them about what that legal process is. I don't know the answer to that. You may, but I don't.

Mr. Richard Railey states I am not saying I completely know but I know that the Code of Virginia set's up the City of Franklin General District Court.

Mr. Michael Johnson states interesting enough, Franklin when it was created in the early 1960s was called a City of the Second Class under the Code of Virginia. By definition a City of the Second Class maintain its own courts that are not of record which are basically your General District and J&DR Courts. During the latest recodification and the latest adoption of the constitution of Virginia there is no longer a City of the Second Class. That is why we really need to call the people at the Supreme Court to figure out exactly what that legal process might be to put those courts together.

Chairman Jones called on Supervisor West.

Supervisor West states Mr. Johnson, reading this again; the removal of the courthouse to a new location. Where did I understand that we have to get together and maybe with Franklin, I am not sure? If it is a new location, we have to establish the geotechnical of that area before this new location can be identified; so, you have to expend a certain amount of money up front?

Mr. Michael Johnson states the question that will be placed on the ballot is a very simple question and it is framed by the statute. You don't get to word the question on the ballot. Basically, there are two blanks that we have to fill in. One is where the courthouse will be removed to so the location has to be in the question on the referendum. The second blank that we will have to fill in is the actual cost of construction. Now, you have an order of magnitude cost that is in your planning study that PMA Architect has already completed for you and that in round numbers is \$14 million. But, that is the order of magnitude cost that simply looks at the number of square feet that is needed and industry averages for cost of construction of this building type. To get specific cost information, you are going to need to (a) nail down your option on your preferred site so you know what the cost of the property is going to be and (B) there are certain geo technical evaluations that need to be done so you know what degree of site preparation may be necessary on the particular site you are choosing. Will there need to be substantial fill material brought into the site or will the nature of the material on the site be suitable to be able to support the foundation of the building to be done? In addition to that, about 50-60% of the design will need to be done so you know exactly what you are constructing, exactly how it all fits together, and exactly what type of material we are talking about so you will spend several hundred thousands of dollars on options and architectural design just to get the question on the ballot.

Supervisor West states with this 9-2 vote we have already started the process...

Mr. Michael Johnson states this is an advisory committee. They made a recommendation to you and you have to decide.

Supervisor Edwards states the committee is asking for support.

Supervisor West states I understand you but still we are going down a slippery slope now. If we do this, and a 9-2 vote agree with this, we will expend, and I quote, "several hundred thousands of dollars." Then, the voter referendum may come up and say no move.

Mr. Michael Johnson states this vote doesn't commit you to that. This vote commits you to procuring the architectural services and find out what the architect is going to charge. Then, you have to authorize that after you know the figure. Let's figure out where the site is and let's negotiate the price for the site. Let's obtain an option and then you know what the price of the property is. Then, you can vote on whether or not to entertain that option, but this is what the committee is recommending.

Supervisor West states but the voters can turn it down.

Mr. Michael Johnson states that is correct.

Supervisor West states and we have expended a substantial amount of money at that point.

Mr. Michael Johnson states that is correct.

Supervisor Edwards states that is why we have to do a lot of public relations work and inform everybody. We really don't have a choice.

Supervisor Faison states I don't see how we can go without doing this because then we don't have anything to present to the public for them to look at to make a decision.

Supervisor Phillips states the slippery slope seems to be part of it but basically don't we have to take a step back because if we combine the two courts, the estimates that Mr. Stodghill gave us were based on the current configuration of the courts.

Mr. Michael Johnson states remember what he gave you were a separation of our Combined District Court...

Supervisor Phillips states but he was going to add a J&DR Court.

Mr. Michael Johnson states that is correct. So, you had under both option three courtrooms and three Clerk's Offices which would be sufficient for the case load of both localities.

Supervisor Phillips states what about the office space...with the Commonwealth's Attorney being shared between the two localities...

Supervisor Porter states we already do.

Supervisor Edwards states you may be asking about things we haven't gotten to yet.

Supervisor Porter states Bruce remember right now our J&DR Courts is shared facilities. What will happen is now there will be one J&DR Court, and one General District Court which will have separate facilities instead of Franklin having their own J&DR Court and General District Court. What we are looking at is the design of the new courthouse that was presented to us assumed there would be a separation of those courts already.

Supervisor Phillips states I understand. It was going to be included that Southampton has a separate J&DR Court if we had chosen to continue at this location.

Supervisor Porter states but our case load does not require us to have separate courts today. The numbers we have incorporate this already. One of the questions I have for Mr. Johnson is we issue financing for the security project which we have sitting in the banking account. Can we use those funds for this preliminary information?

Mr. Michael Johnson states that question will have to be posed to the lender, and whether the lender will allow us to use the funds that were borrowed specifically for security improvements for the architectural design for a new facility. But, that is a question for the lender.

Supervisor Porter states one of the things too is it doesn't matter whether we build it off site. If we get turned down, much of the architectural design work should be applicable to rebuilding in the existing location. That means it will cost more money. Unfortunately, you can't put it on the ballot

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saying do we spend \$12 million to build a new courthouse or \$16 million to renovate the existing courthouse. That is probably the magnitude that we are talking about; between \$2- \$3 million more to renovate the existing courthouse.

Supervisor Edwards states the other thing to remember is whatever we do Franklin is going to be in for their fair share.

Supervisor Porter states they are going to be in for a full 30%.

Supervisor Edwards states so we are not going to be losing anything by doing that. The only thing to me that is a little bit frightening is the referendum. Like Mike said, we are going to have to do that and we will have to do a lot of public relations work. We will have to keep everybody informed of what is at stake here. If we have to go back and renovate that building it will cost us a lot more and then we will have a renovated piece of junk that is still in a flood plain. The people who work there don't even want to think about the horror of what would happen to the court schedule if we went to renovate that building. Can you imagine trying to hold court over there while trying to tear some of those walls down?

Supervisor West states one of the bigger issues is the distance between the ceilings and floors and installing the HVAC along with the materials that go with it. There is some structural impossibility that you will still end up with an inferior product.

Chairman Jones states and no parking.

Mr. Richard Railey states do all of you understand that putting Franklin and Southampton together makes sense because Franklin only has court on Monday and Southampton on Tuesday. On Wednesday, Franklin has J&DR and on Thursday Southampton has J&DR. Friday is the only duplication and both courts alternate on having civil cases. So, consequently there is a lot of courtroom over here that is not used and you are taking the same judges back and forth. It would be an economies of scale involved.

Supervisor Porter states I think the judges are the ones that are pushing the consolidation anyway aren't they?

Mr. Michael Johnson states Judge Brewbaker and Judge Council are very strong proponents.

Supervisor West states is it advisable to say who the two were that voted against it.

Mr. Michael Johnson states it is public record. Rick Francis voted against it on the grounds that he preferred a second architectural planning opinion, and Danny Williams voted against it as well.

Supervisor Edwards states tell if I got this wrong Mike, but looking at the cost of it is about \$75 per year per family.

Mr. Michael Johnson states that question came up and we talked about how the project would be financed. We would be looking at 20-25 year financing on the project. We would look at incorporating some of the money we have already identified; Enviva principle payment that will be coming at the tail end of this fiscal year. In round numbers, it is a little bit less than a million dollars. It could be plugged into this project to buy down the initial cost. There are some bond proceeds that are left from the development of the Turner Tract. That basically could be used to pay debt service and free up funds that you are currently appropriating from your General Fund that could now be plugged in to buy down the cost. We could also look at the revenue stream that would be created by your savings from SPSA beginning January 2018. In round numbers, it wouldn't be any more than a .05 cent increase on the real estate tax rate. So, when you look at .05 cents on an average cost of \$150,000 home, you are looking in round numbers at \$75 a year. Now we have to flesh all of those numbers out. I am giving you back of the lunch bag math here but we are in the ballpark with it.

Supervisor Porter states I don't think we are at the critical point of financing. At this point, we just need to determine which way we want to go.

Mr. Michael Johnson states for all intent and purposes, the two options are fairly close. You are right that there is a \$2 million dollar difference, but if you repurpose the existing courthouse they are pretty much even. From a committee standpoint, the discussion was we are going to assume the cost of either way is pretty much even. Which alternative gives us the best long-term solution, and I think the committee felt like asking the people whether or not the new location, new building did that.

Chairman Jones states alright gentlemen; we need to let the committee move on.

Supervisor West made a motion to accept the Committee recommendation and refer the task of site(s) evaluation and procurement of architectural services back to the Courthouse Planning Committee.

Supervisor Porter seconded which carried unanimously.

Supervisor Edwards states you all have to realize that everything this committee does is going to come back here.

Chairman Jones states I understand that but they still have to do what we ask them to do. Is there anything else to come before us tonight?

Mr. Michael Johnson states there is one other item Mr. Chairman. At your places this evening is a copy of the semi-annual Statement of Economic Interest Form which must be completed and returned to me no later than June 15th. This form is filing for all of your economic activity between November 1, 2015 and April 30, 2016. There has been one significant change to the Conflict of Interest Act. That change is I am now required by statute to report any late filings to the Commonwealth Attorney who in turn is required by statute to assess a \$250 penalty on anybody who fails to submit this form on time. Please, for your pocketbooks, return the form to me no later than June 15th.

Supervisor West states I have to say Mr. Johnson that for the benefit of everybody else that the Governor can do multiple of things and hide millions of dollars and a poor citizen of Southampton County has to fill out a report of this magnitude and prepare it with penalties and everything else. Something is wrong in this country. Mr. Updike, something stinks, do you understand that and it is not the toilets.

Chairman Jones states is there anything else to come before us?

Supervisor West made a motion to adjourn.

Supervisor Edwards seconded the motion which passed unanimously.

There being no further business for tonight the meeting adjourned at 8:51 p.m.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk

May 23, 2016

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